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Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: NATHAN WILLIAMS, AICP, PLANNER II *NW*
480-503-6805, NATHAN.WILLIAMS@GILBERTAZ.GOV

THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *ajl*
480-503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: OCTOBER 1, 2014

SUBJECT: Z13-08: GILBERT TOWN CENTER: REQUEST TO AMEND ORDINANCE NOS. 427, 617, 725, 1287 AND 1689 BY REMOVING FROM THE SETTLER'S POINT PLANNED AREA DEVELOPMENT (PAD) AND THE GILBERT TOWN CENTER PAD APPROXIMATELY 25.3 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF GILBERT ROAD AND WARNER ROAD ; TO APPROVE THE DEVELOPMENT PLAN FOR THE GILBERT TOWN CENTER PAD; AND TO REZONE FROM REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PAD OVERLAY TO REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PAD OVERLAY.

STRATEGIC INITIATIVE: Community Livability

Request to develop the subject site as an integrated mixed-use development with Multi-family apartments in the Regional Commercial (RC) zoning district.

RECOMMENDED MOTION

MOVE TO RECOMMEND TO THE TOWN COUNCIL DENIAL OF Z13-08, A REZONING OF 25.3 ACRES.

APPLICANT/OWNER

Paul Gilbert/ Dennis Newcombe
Beus Gilbert
701 N. 44th Street
Phoenix, AZ 85008
V: 480-429-3002
pgilbert@beusgilbert.com

AZ Gilbert Holdings LLC/ Lehman Brothers
Holdings, Inc.
Christopher Bley
3224 Peachtree Road, Suite 2200
Atlanta, GA 30326-1156
V: 310-500-3534
chris.bley@lehmanholdings.com

BACKGROUND/DISCUSSION

History

- | | |
|-------------------|--|
| October 25, 2005 | Town Council approved GP05-07 (Res. No. 2649), the minor General Plan Amendment from Shopping Center Land Use Designation to Regional Commercial (RC) Land Use Designation, for Gilbert Town Center, for approx. 37 acres.

Town Council approved Z05-14 (Ord. No. 1689), a rezoning request from Shopping Center (SC) zoning district with a PAD Overlay to Regional Commercial (RC) zoning district with a PAD Overlay, for Gilbert Town Center on approx. 37 acres located at the southeast corner of Gilbert Road and Warner Road. |
| December 7, 2005 | The Planning Commission approved UP05-12, a use permit for a 1,206 unit multi-family residential development as part of an integrated mixed use development plan and a building height increase from 55' to 65' in the RC zoning district on the 37 acre subject site. |
| May 17, 2012 | Town Council approved Z12-02 (Ord. No. 2368), a rezoning request from 11.7 acres of Regional Commercial (RC) zoning district with a PAD Overlay, to Regional Commercial (RC) zoning district with a PAD Overlay; in order to remove the 11.7 acre site from the requirements of the existing Gilbert Town Center PAD. |
| June 5, 2013 | The Planning Commission reviewed the proposed rezoning Z13-08 and use permit UP13-04 at the study session. |
| September 3, 2014 | The Planning Commission recommended continuance of the proposed rezoning Z13-08 to the October 1, 2014 Planning Commission. |

Overview

The rezoning request will essentially remove the 25.3 acre subject site from the requirements of the existing Gilbert Town Center PAD and Development Plan and allow for the site to develop under a revised Development Plan in Regional Commercial (RC) development standards including 13.7 acres of multi-family residential use in the Regional Commercial (RC) zoning district, as part of an integrated mixed-use development.

The subject site is located at the southeast corner of Gilbert Road and Warner Road. Under a previous rezoning Z12-02 (Ordinance No. 2368), 11.76 acres were removed from the middle portion of the 37 acre overall site and a new development plan was created for the 11.76 acre portion to allow for the development of a Banner Health Center. As such, the current request under Z13-08 for the Gilbert Town Center will rezone the remaining undeveloped 25.3 acres.

The original approval for the overall 37 acre site of the Gilbert Town Center under Z05-14 (Ord. No. 1689) included 179,000 sq. ft. of commercial uses with 1,206 total residential units of lofts over retail and six (4-5 story) condominium buildings in a cohesive and integrated design with focal points and plaza, connected with large promenades, parking structures and significant urban type density with park areas and pedestrian linkages to all the surrounding uses that complemented the nearby commercial and municipal uses and the overall site as an integrated development.

In order to alter this approved development plan, the applicant is requesting a rezoning that includes multi-family apartments in the Regional Commercial (RC) zoning district. The proposed deviations include eliminating the 3rd story building step-back requirement within 100' of residentially designated property, and decreasing the front and side yard building and landscape setbacks, as noted below in the Site Development Standards Table below.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Category	Existing Zoning	Existing Use
North	General Commercial (GC)	GC	Warner Road then existing Commercial Uses and Charter School.
South	Public Facility/ Institutional (PF/I)	PF/I	Palm Road alignment then Town of Gilbert Municipal Center Campus.
East	General Commercial (GC) Residential > 8-14 Residential > 3.5-5	GC MF/L SF-6	Civic Center Drive then existing Commercial/ Retail, Multi-family and Single Family Residential Uses.
West	Shopping Center (SC)	SC	Gilbert Road then existing Retail.
Site	Regional Commercial (RC)	RC	Undeveloped surrounding existing Banner Health Center development.

Site Development Standards:

	Previous Development for Gilbert Town Center (Z05-14 and UP05-12)	LDC Conventional RC	Proposed Development for Gilbert Town Center PAD for Southeast Parcel (Parcel 2) only: (Z13-08)
Zoning District:	RC PAD	RC	RC PAD
Number of Residential Units	1,206 units/ 37 acres 32.5 DU/ Acre	N/A	256 units/ 13.72 acres 18.65 DU/ Acre
Commercial Uses (sq. ft.)	179,000 sq. ft.	N/A	6-8 buildings of Retail and Office uses. Unknown square footage.
Landscape/ Open Space Area (%)	52%	15% (RC) 40% (MF/M)	43%
Maximum Height (ft.)/Stories	65' / 5-stories	55'	37'3" / 3-stories
Building Step-back	N/A	LDC – 2.304.A: Where a building in the RC zoning district is within 100' of property designated for residential use in the General Plan. A building step-back of 1-foot for every 1-foot of building height above 2 stories or 35 feet is required. (Step-back at 3 rd story)	No Building Step-back
Minimum Building Setbacks:			
Front (Civic Center)	25'	25'	10'
Side (Palm Street)	20'	20'	10'
Rear	20'	20'	20'
Minimum Landscape Setbacks:			
Front (Civic Center)			
Side (Palm Street)	25'	25'	20'*
Rear	20'	20'	20'*
	20'	20'	20'

	Previous Development for Gilbert Town Center (Z05-14 and UP05-12)	LDC Conventional RC	Proposed Development for Gilbert Town Center PAD for Southeast Parcel (Parcel 2) only: (Z13-08)
Building Lot Coverage	28%	60% single story 50% two/ three-story	29% two/ three-story
Separation Fence/ Wall	N/A	LDC – 4.109.B.1: A 8' solid separation fence is required on the property line between Commercial and Residential Uses LDC – 2.304.C: Separation fences/ walls are not permitted within the required landscape setbacks	Applicant is requesting a 6' high view fence Applicant is requesting that separation walls/ fences be permitted within the required landscape setbacks

*20' landscape setback required except where buildings located with a 10' setback.

CONFORMANCE WITH GENERAL PLAN

The Regional Commercial Land Use designation accommodates mixed commercial, entertainment, and high density residential development where residential uses are closely integrated with retail uses in a compact development containing urban amenities. Staff finds that the proposal does not conform to the General Plan goal to “promote Gilbert as a community in which to live, work and play. Moreover, the proposed development concept does not contain several notable features in order to respond to the General Plan’s policies:

- Overall traffic circulation needs are not well balanced between vehicles and pedestrians with the goal of creating a pedestrian-oriented neighborhood and convenient employment/ retail centers.
- The plan does not interconnect neighborhoods, retail and employment areas with a system of pedestrian and bicycle routes, but rather creates three unique parcels with different uses vs. an integration of uses and parcels.
- Residential/non-residential land use transitions are not integrated together and existing residential uses are not protected from negative impacts of more intense uses with the requested deviations.
- The project does not make strategic use of open space and has minimal active and passive open space with a lack of gather areas that are typically associated with an integrated mixed-use development plan.

Staff does not support the requested development plan as the site design does not achieve a more sustainable development in Gilbert's civic core. Several sections of the Gilbert General Plan including the Land Use, Circulation and Economic Development contain policies and directions relevant to the Land Use amendment proposal. (See Attachment 6, General Plan Policy Review).

REZONING

The Gilbert Town Center rezoning request under Z13-08, is essentially amending past Ordinance Nos. 427, 617, 725, 1287 and 1689 to remove the 25.3 acre subject site at the southeast corner of Gilbert Road and Warner Road from the Gilbert Town Center Planned Area Development (PAD), to approve a new development plan to construct multi-family apartments, and to rezone the subject site from Regional Commercial (RC) zoning district with a PAD Overlay to Regional Commercial (RC) with a PAD Overlay.

The reason for the rezoning request under Z13-08 is that under the approval for the Gilbert Town Center Conceptual Development Plan (Z05-14/ Ordinance No. 1689) on October 25, 2005, the approved conceptual development plan was for the overall 37 acre subject site. In order to alter this approved development plan, a rezoning must occur for the overall site or a portion of the subject site.

The applicant is requesting to rezone the site with a development plan demonstrates a combination of retail services and office space with approximately 6-8 buildings on the 11.5 acre northwestern parcel (Parcel 1) with access to Gilbert and Warner Roads as well as Palm Street and the Banner Health Center parcel to the east. The applicant is also proposing to develop and construct multi-family apartments on the 13.72 acre southeastern parcel (Parcel 2). Under the LDC Commercial Zoning District, Section 2.303 (L7), Multi-family Residential Uses are permitted in the Regional Commercial (RC) zoning district, however the LDC states the use is ***"Only permitted as part of an integrated, mixed-use plan and a Conditional Use Permit is required"***. The applicant is requesting both a rezoning and conditional use permit on the subject site to allow a multi-family use as part of an integrated mixed-use development. Staff notes that a formal Design Review Board application will be required for the actual development of the site, ensuring all development standards are met for the site, which if approved would be heard by the Design Review Board at a future date.

Because the applicant is requesting multi-family apartments in the RC zoning district, the site design must clearly demonstrate an integrated mixed use development plan, regardless of any type of private use restrictions on the property and regardless of if there were previously approved residential uses in the RC zoning district. Findings for the use permit will address an efficient integration of mixed uses, sustainability through compact design, pedestrian scale and orientation, and transportation and connectivity.

Additionally, when the current land owner for the 25.3 acre subject site under Z13-08 and UP13-04 previously requested to rezone the site for the Banner Health Center, this removed the by-right development of the previously approved Gilbert Town Center mixed use development and created the need for redesign of the vertical mixed uses. However, staff believes that the plan proposed under Z13-08 has no vertical mixed use elements and is attempting to rely on horizontal mixed-use and creating an isolated multi-family apartment site design.

STAFF EVALUATION

In staff's evaluation, the proposed exhibits under Z13-08 for the rezoning do not currently demonstrate an integrated mixed use plan for the property include the following:

- Integration
- Sustainability through Compact Design
- Pedestrian Scale and Orientation
- Transportation and Connectivity
- Density
- Deviations
- Self-Imposed Use Limitations

INTEGRATION

An integrated mixed-use development plan requires aspects like unique compact and pedestrian scale site design, integrated open space, public gathering areas and vehicular and pedestrian access and circulation, trails and connectivity for the entire 37 acre subject site. The proposal, however, does not provide for an efficient design that cultivates the intended sense of a live, work, and play environment.

SUSTAINABILITY THROUGH COMPACT DESIGN

Staff finds that the proposed development plan provides a layout and design that relies predominantly upon automobiles for ingress and egress of the subject site and provides for a standard, stand-alone apartment complex design and does not meet demonstrate sustainability through compact design. The applicant has proposed a 6' wide decomposed granite pathway "fitness trail" is essentially the sole method of integration and outdoor gathering area between the proposed multi-family parcel and the remainder of the overall 37 acre site. This is the feature that the applicant believes complies with the use permit findings of fact related to compact design and pedestrian scale and orientation. A secondary decomposed granite pathway is shown on the use permit exhibits. The proposed parking for the apartment buildings does appear to comply with the parking requirements for multi-family residential uses under the LDC.

PEDESTRIAN SCALE AND ORIENTATION

Staff believes that the proposed development plan exhibits do not provide for or meet the intent of this design requirement. The proposed development plan essentially creates a stand-alone multi-family development, predominately isolated from the remainder of the overall Gilbert Town Center site. The applicant has proposed a 6' wide decomposed granite fitness pathway in order to connect the municipal complex to the north between the Banner Health Center parcel and the proposed multi-family parcel as essentially the sole method of integration between the proposed multi-family parcel and the remainder of the overall 37 acre site.

The previously approved development plan and use permit for Gilbert Town Center under Z05-14 and UP05-12 provided a tremendous amount of usable open space, walkways/ trails, pedestrian plazas and gathering areas, created density and integration with the overall site for pedestrian oriented building designs and elements include sidewalk widths and locations, pedestrian coverings and building fronts, upper story activities overlooking the street, pedestrian

plazas and connections, pedestrian amenities, scale and fenestration. The proposed development plan lacks the previous integration and density to the overall site for a number of reasons discussed in this staff report. Additionally the applicant is requesting deviations from the reduced RC zoning setbacks for the 3-story apartment buildings and the step back requirement at the 3rd floor building elevations adjacent to existing residential. The apartments will then be pushed forward, closer to the adjacent streets and fenced for security creating further detachment from the overall site with no pedestrian or integration benefit to the overall site.

TRANSPORTATION AND CONNECTIVITY

The proposed project has not demonstrated appropriate vehicular and pedestrian connectivity that serves vehicles, pedestrians and bicycles. Staff notes that when the 13 acre Banner Health Center site was rezoned in May of 2012 under Ordinance No. 2368, the original intent was for Banner in coordination with the proposed multi-family parcel/ southeast parcel (Parcel 2) to develop and improve a drive aisle between the two parcels and provide a secondary vehicular connection between Palm Street and Civic Center Drive. This was the reason for creating the Banner Health Center parcel shape as it is and the remaining southeast parcel (Parcel 2). The proposal under Z13-08 no longer provides for this access drive and staff believes this further detracts from the connectivity of the site as there will now be no north-south vehicular connection until such time as the northwestern (Parcel 1) develops, which will not help with the traffic impact of the proposed multi-family use on the southwest parcel (Parcel 2).

DENSITY

Under the previously approved Z05-14/ UP05-12 there were 1,206 residential units, with lofts over retail/ commercial uses and buildings with heights of 5-stories and 65' in height and the use of parking garages on the overall site. Additionally there were outdoor promenades, plazas and open space amenities that were shared amongst the overall 37 acre site, creating a true mixed used development on the site. The current proposal (Z13-08 and UP13-04) would include 256 unit apartment complex with 11 apartment buildings, 2-3 stories in height. This requested change constitutes a distinct difference from the original mixed use development proposal for Gilbert Town Center. Additionally there would be the loss of 13.72 acres of commercial uses without the benefit of creating a more regional draw on one of the most significant corners in the Town of Gilbert. It was clearly not the intent of the MF in the RC zoning allowance in the LDC to provide a typical standard, suburban multi-family development as is proposed under Z13-08.

DEVIATIONS

Requested under Z13-08, there are deviations to reduce building and landscape setbacks from 25'/ 20' to 10' as well as requesting to eliminate the requirement for a building step-back within 100' of residential designated property. Please refer to the Site Development Standards table above. The applicant is requesting deviation from setback of the proposed 3-story apartment buildings as well as requesting to not require a 10' building step-back for a building over 2-stories in height within 100' of property designated as residential. A building step-back of 1-foot for every 1-foot of building height above 2 stories or 35 feet is required. Staff notes that a 10' building step-back is also required at the 3rd floor of an apartment building in the MF/L and MF/M zoning districts, similar to the requirement in the RC zoning district.

Staff was not able to find that the proposed development plan provided suitable benefit to the Town that would justify any such deviations from the requirements of the LDC. The proposed development plan does not provide a unique or an integrated mixed use development that could potentially justify the need for any deviations. Additionally staff notes that the setback required for Z13-08 are RC setbacks, the setbacks required by a typical MF/M zoning district would be increased even further by 5' additional feet than what is required under the RC zoning district. The applicant is only required to meet the RC zoning district setbacks but still requires deviations. Again, staff is of the opinion that there is not a suitable justification that should allow such a deviation for a typical multi-family apartment complex.

SELF-IMPOSED USE RESTRICTIONS

The land owner of the overall 37 acre property allowed for some limited use restrictions related to the Banner Health Center site, on the remaining 25.3 acre site, for a limited period of time through a recorded private "Declaration of Covenants and Use Restrictions" with an "effective date" of April 27, 2012. However, this restriction is not something enforceable by the Town of Gilbert and furthermore was self-imposed by the overall land owner of the 37 acre parcel, who is now the current land owner of the remaining 25.3 acre site that is a part of Z13-08.

PLANNING COMMISSION JUNE 5, 2013 STUDY SESSION

At the June 5, 2013 Planning Commission Study Session, Z13-08 and UP13-04 were discussed and reviewed. Comments from the Planning Commission included that the original development plan for Gilbert Town Center was intended to have a live, work, play feel and design with retail and lofts above; Banner Health Center site wanted to be secure and limited the ability to integrate the site; if multi-family were a feasible use or the best use for the subject site; and that if multi-family were to be feasible for the subject site it needed to be more integrated. (See Attachment 10).

PLANNING COMMISSION SEPTEMBER 3, 2014 PUBLIC HEARING

At the September 3, 2014 Planning Commission discussed UP13-04 during Study Session and reviewed Z13-08 during the regular meeting.. Comments from the Planning Commission included that a multi-family use may be suitable on the subject site. However, concerns were raised that the proposed development plan and use permit exhibits under Z13-08 and UP13-04 are not designed nor do they provide an integrated mixed use development suitable for the subject site and that formal action on the design of the proposed development should be continued so the project may be redesigned in a manner that is more integrated (See Attachment 11). A brief summary of comments provided by the Planning Commission are noted below:

- Difficulty in seeing the good cause for the requested deviations of moving the buildings closer to the street. Deviations might be justified if there was a tangible benefit.
- The proposed fence around the property limits the connectivity of the site.
- The proposed design lacks connectivity, this is a major concern.
- Did not see an effort to provide horizontal or vertical connectivity, the design lacks structural integration such as unique parking design away from the street, increasing the density.
- Elements such as view fencing, placement of buildings and a fitness trail are not significant enough at this point to justify the proposed amendment.

- Concern was raised with the design of the commercial/ retail buildings and circulation of the northwest parcel; it was felt this had not been thoroughly discussed or evaluated.
- A multi-family use could be a suitable use for the subject site but it needs to be redesigned from what is proposed now to be more integrated and meet the findings of fact and design principles of integrated mixed-use developments.
- The real issue is site design and integration, not use.

Staff notes that the applicant has not made substantive changes on the design of either Z13-08 or UP13-04, with the exception of the applicant noting they were looking into fencing changes along the site perimeter. Planning staff continues to not be supportive of the requests under Z13-08 and UP13-04.

PUBLIC NOTIFICATION AND INPUT

A neighborhood meeting was held on November 8, 2012. Comments focused on including on-site outdoor recreational amenities for future apartment users and timing of construction of the site. The applicant has also met informally with the adjacent HOA and local residents prior to the September 3, 2014 Planning Commission hearing.

Staff has received one email of opposition from a surrounding neighbor on September 18, 2014 (Attachment 12), that is opposed to the proposed rezoning and use permit to allow a multi-family apartment complex on the subject site.

The applicant notes that representatives from the Banner Health Center are supportive of the request to eliminate the previously designed private access drive connecting Palm Street and Civic Center Drive between the proposed apartment site and the Banner Health Center site in order to connect the municipal center to the north. The provided email notes that Banner is also supportive of a cross access easement from the Banner Health Center site to the northwest parcel (Parcel) as well as a pedestrian trail across the retention basin of the Banner Health Center site.

SCHOOL DISTRICT COMMENTS

No comments have been received. The project was routed to the Gilbert School District and to date there has been no response/ comment.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. These waivers are located in the case file.

REASONS FOR RECOMMENDATION

1. The proposed zoning amendment does not conform to the General Plan, any applicable neighborhood, or other plan and any overlay zoning district.

2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning does not effectively support the Town's strategic initiative for Community Livability.

STAFF RECOMMENDATION

For the following reasons: the development proposal does not conform to the intent of the General Plan and cannot be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend **denial** to the Town Council for Z13-08 Gilbert Town Center, to amend Ordinance Nos. 427, 617, 725, 1287 and 1689 by removing from the Settler's Point Planned Area Development (PAD) and the Gilbert Town Center PAD approximately 25.3 acres of real property generally located at the southeast corner of Gilbert Road and Warner Road; to approve the Development Plan for the Gilbert Town Center PAD; and to rezone from Regional Commercial (RC) zoning district with a PAD Overlay to Regional Commercial (RC) zoning district with a PAD Overlay.

Respectfully submitted,



Nathan Williams
Planner II

Attachments:

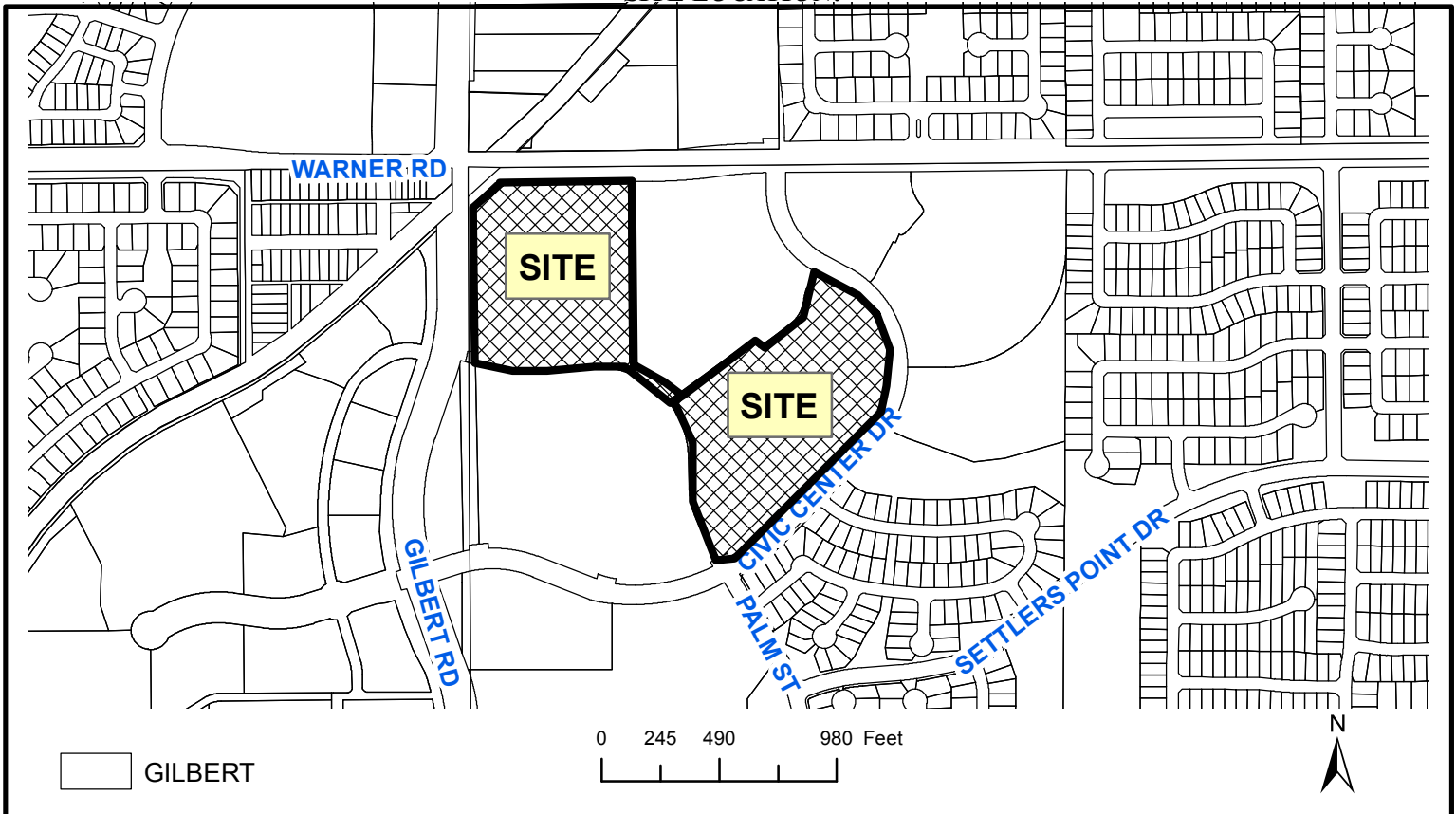
1. Notice of Public Hearing Map
2. Aerial Photo
3. Development Plan for Z13-08
4. Zoning Exhibit for Z13-08
5. Email Correspondence from Banner (4 pages)
6. UP13-04 Exhibits – Reference (11 pages)
7. General Plan Policy Review (2 pages)
8. Previous Development Plans and Exhibits under Z05-14 & UP05-12 (4 pages)
9. Planning Commission for Z05-14 Minutes from October 5, 2005 (10 pages)
10. Planning Commission SS Minutes for Z13-08/ UP13-04 from June 5, 2013 (4 pages)
11. Planning Commission Meeting Minutes for Z13-08 from September 3, 2014 (12 pages)
12. Email from surrounding property owner, dated September 18, 2014

October 1, 2014

Notice of Public Hearing**PLANNING COMMISSION DATE:****Wednesday, September 3, 2014* TIME: 6:00 PM****TOWN COUNCIL DATE:****Thursday, September 25, 2014* TIME: 7:00 PM****LOCATION: Gilbert Municipal Center, Council Chambers****50 E. Civic Center Drive***** Call Planning Department to verify date and time: (480) 503-6700*****REQUESTED ACTION:***

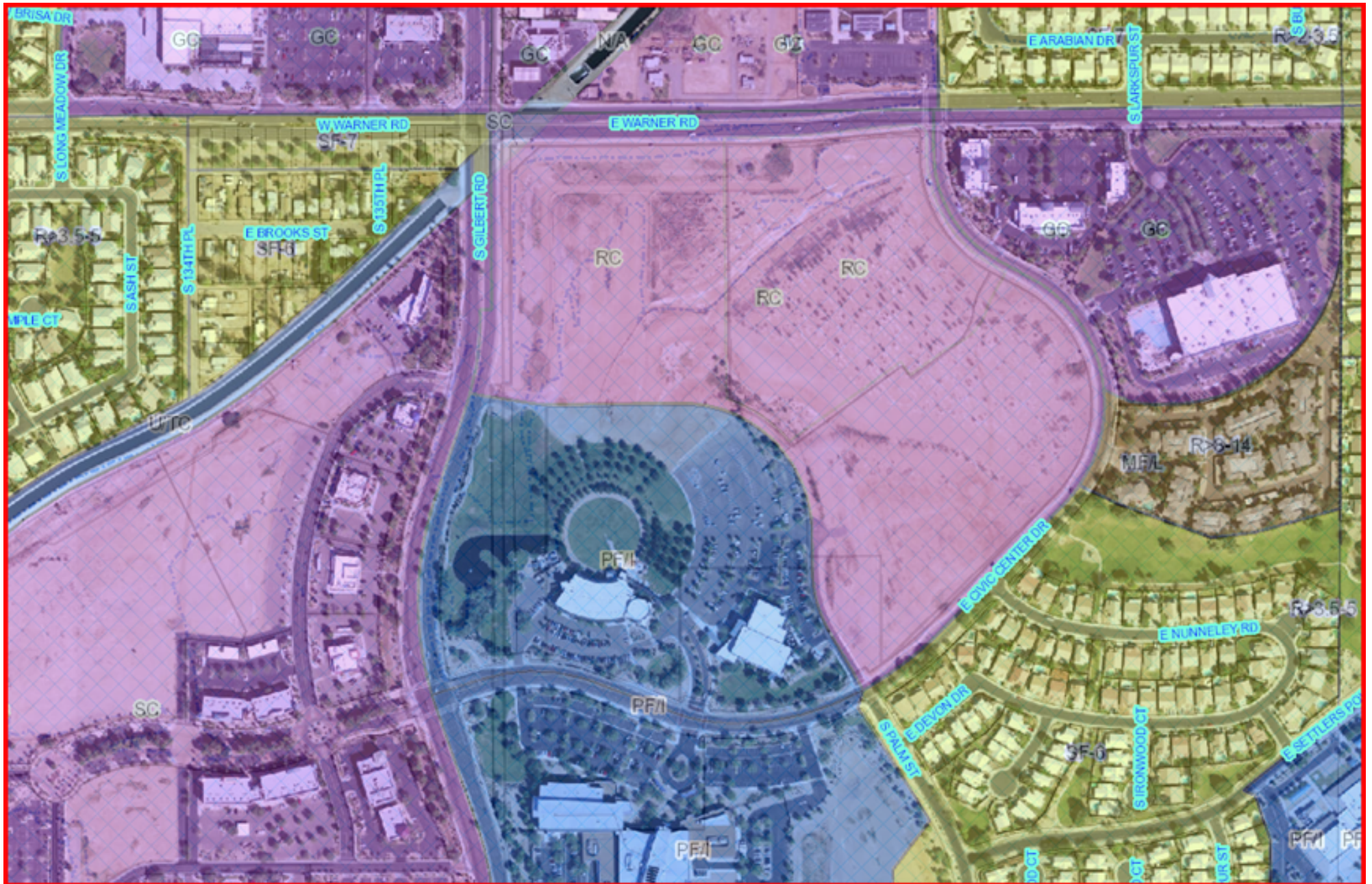
Z13-08: Gilbert Town Center Mixed Use: Request to amend Ordinances Nos. 427, 617, 725, 1287, and 1689 pertaining to the Settler's Point Planned Area Development (PAD) and the Gilbert Town Square PAD by removing from the Settler's Point PAD and Gilbert Town Square PAD approximately 25.3 acres of real property consisting of approximately 25.3 acres of Town of Gilbert Regional Commercial (RC) zoning district, all with a Planned Area Development overlay zoning district, generally located at the southeast corner of Gilbert Road and Warner Road; approving the Development Plan for the Gilbert Town Center Planned Area Development; and changing the zoning classification of said real property from 25.3 acres of Town of Gilbert Regional Commercial (RC) with a Planned Area Development overlay zoning district to 25.3 acres of Town of Gilbert Regional Commercial (RC), all with a Planned Area Development overlay zoning district, as shown on the map which is available for viewing in the Planning and Development Services Office; and to modify the development regulations of the southeast parcel (Parcel 2) as follows: eliminate building step-back requirements, decrease front and side building setbacks, increase rear building setbacks, and decrease landscape setbacks adjacent to proposed buildings. The effect of the rezoning will be to allow the real property to be developed for an integrated mixed use development to allow for multi-family housing subject to the development standards for the Regional Commercial (RC) zoning district with modified step-back and setback requirements.

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available the Monday prior to the meeting at <http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission>

SITE LOCATION:

APPLICANT: Beus Gilbert PLLC
CONTACT: Paul E. Gilbert / Dennis M. Newcombe
ADDRESS: 701 North 44th Street
Phoenix, AZ 85008

TELEPHONE: (480) 429-3065
E-MAIL: dnewcombe@beusgilbert.com



Z13-08
Attachment 2: Aerial Photo
October 1, 2014

Gilbert Town Center PAD

Case: Z13-0-

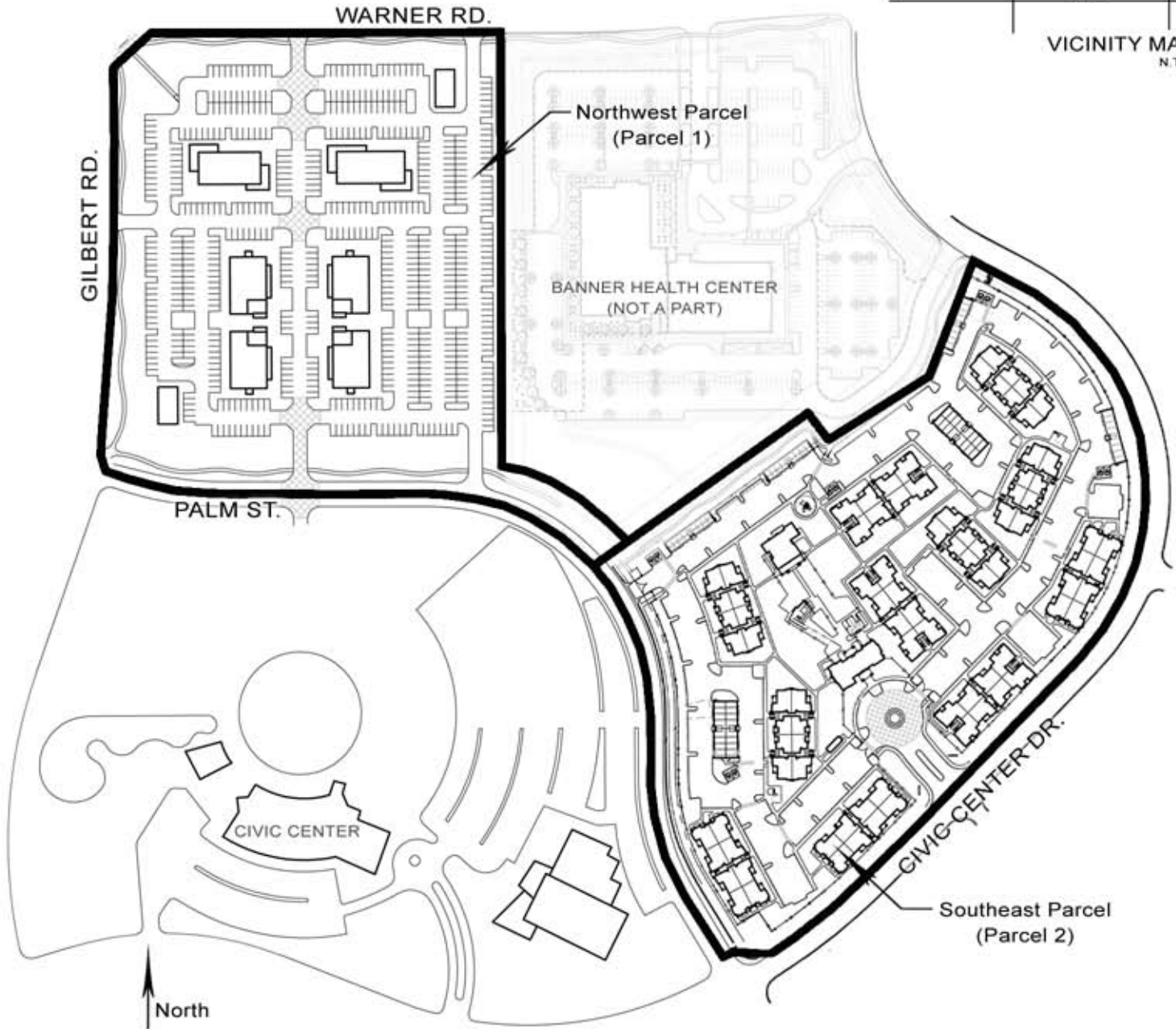
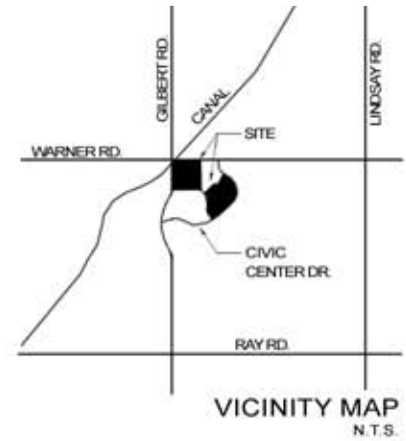
Project Data

Northwest Parcel (Parcel 1): 11.58 Net Acres
Southeast Parcel (Parcel 2): 13.72 Net Acres

Total Site Area: 25.30 Net Acres
General Plan Designation: RC
Current Zoning: RC w/ PAD Overlay
Proposed Zoning: RC w/PAD Overlay (Amended)

Property Owner

AZ Gilbert Holdings LLC/
Lehman Brothers Holdings, Inc.
3224 Peachtree Road, Suite 2200
Atlanta, GA 30326-1156
Contact: Christopher Bley
Phone: 310-500-3534



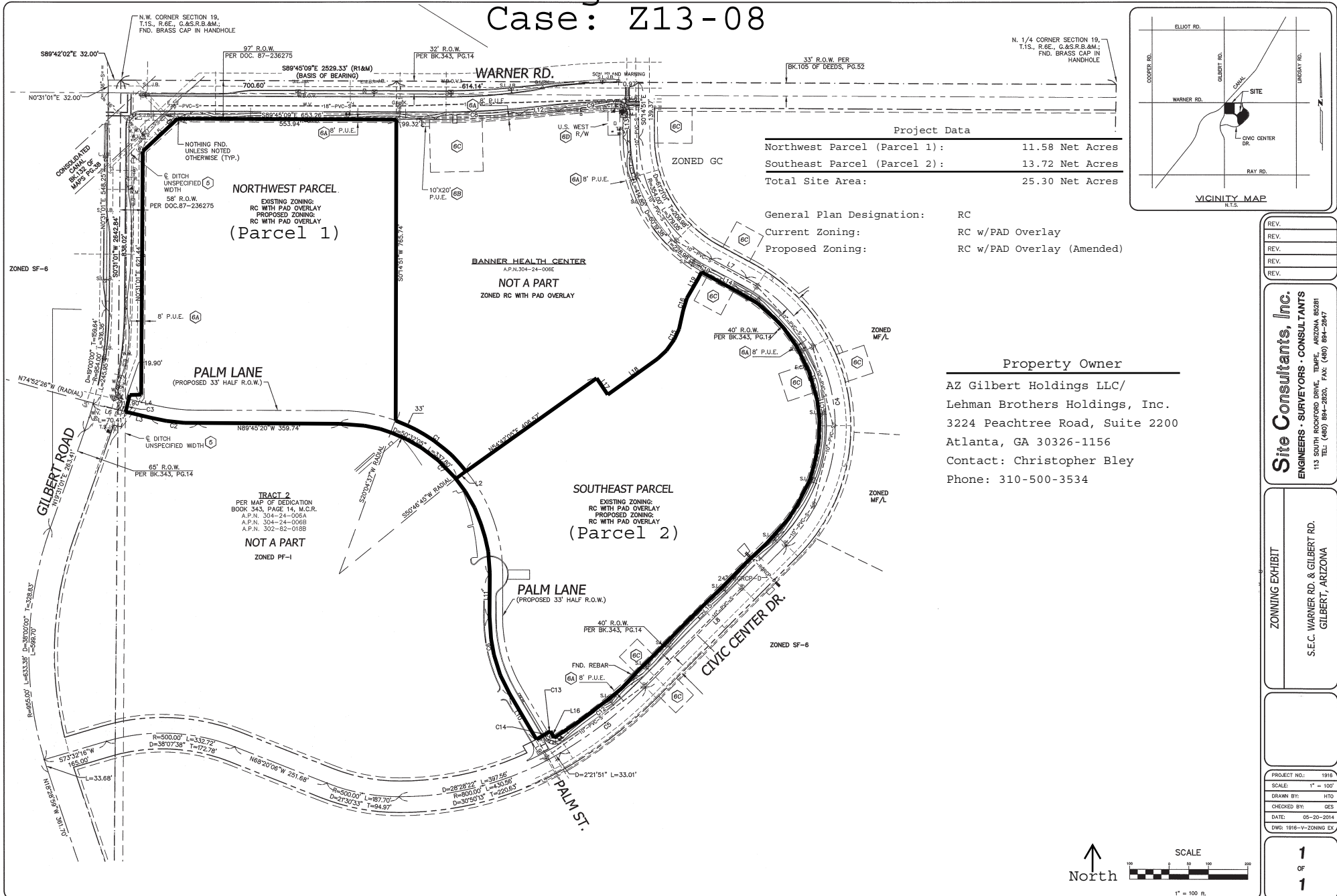
PAD Table

Northwest Parcel (Parcel 1) - Development Standards: RC (Per LDC with <u>no</u> PAD modifications.)		
Southeast Parcel (Parcel 2) - Development Standards: RC (Per LDC with the following PAD modifications.)		
1. No Building Step-back		
2. Building/Landscape Setbacks:		
	Proposed Bldg.	Proposed Landscape*
Front (Civic Center)	10'	20'
Rear (Banner)	20'	20'
Side (Palm Street)	10'	20'
*Except where there are buildings then per proposed bldg. setback.		

Gilbert Town Center PAD Amendment

Zoning Exhibit

Case: Z13-08



Z13-08

Attachment 4: Zoning Exhibit for Z13-08
 October 1, 2014

Site Consultants, Inc.
 ENGINEERS • SURVEYORS • CONSULTANTS
 113 SOUTH BUCKINGHAM DRIVE, TEMPE, ARIZONA 85281
 TEL: (480) 844-2020, FAX: (480) 844-2047

ZONING EXHIBIT
 S.E.C. WARNER RD. & GILBERT RD.
 GILBERT, ARIZONA

PROJECT NO.: 1918
SCALE: 1" = 100'
DRAWN BY: HTO
CHECKED BY: SES
DATE: 05-20-2014
DWG: 1918-V-ZONING 04

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October 1, 2014

Edwards, Kip C

Subject: FW: Amendment to RC PAD Cases Z13-08 and UP13-04 Town of Gilbert
Attachments: Masterplan.pdf; Access example.pdf

From: Jeanette Williams [<mailto:jwilliams@beusgilbert.com>] **On Behalf Of** Paul E. Gilbert
Sent: Thursday, August 21, 2014 9:04 AM
To: Edwards, Kip C; Paul Klumb (paulklumb@consultpck.com) (paulklumb@consultpck.com)
Cc: Dennis Newcombe
Subject: Amendment to RC PAD Cases Z13-08 and UP13-04 Town of Gilbert

Gentlemen:


As you are aware, we represent Lehman Brothers in conjunction with the above-referenced entitlement applications in the Town of Gilbert. We appreciated your meeting with us to discuss the above-referenced applications. These applications request approval for 256 multifamily units to be built by Alliance, one of the premiere apartment building developers in the Valley. This correspondence will summarize our discussion yesterday in which it was agreed that we will incorporate the following changes to our site plan and attendant zoning and use permit cases. I am attaching to this correspondence an overall site plan/aerial photograph showing the original 37 acres owned by Lehman Brothers with the middle parcel previously purchased by Banner and the remaining two parcels (25.30 acres) currently owned by Lehman on both sides of the Banner parcel. We are proposing a health and fitness trail to be built on the proposed Alliance property with the necessary attendant fencing enclosing/securing the apartment area only. This, of course, will be entirely at Lehman/Alliance's sole cost and expense. Additionally, we propose the elimination of the driveway connecting Civic Center Drive to Palm Street as originally requested by the Town and shown on Banner's Design Review Board approval (i.e., on one-half to be built by Alliance/Lehman and one-half to be built by Banner). Furthermore, as shown on the attached graphic, we will not be allowing any shared vehicular access points with the Banner/Alliance property. However, as discussed and agreed, we are proposing a vehicular access point as shown generally on the attached drawing to facilitate vehicular access for Banner to Palm Street and subsequently to Gilbert Road. This access will consist of a mutually agreed easement accommodating vehicular access for the Banner property through Lehman's retail property at Gilbert and Warner Roads. Furthermore, we will restrict the corner retail parcel to retail development only, consistent with the commitment we have made with the Town of Gilbert to do so.

We also discussed placing an additional pedestrian trail across the PUE adjacent to your retention basin area facilitating pedestrian access from the health and fitness trail and beyond. It is agreed that this pedestrian pathway will not affect or interfere with your drainage functions in any manner and will be installed at the sole cost and expense of Lehman brothers.

Lastly, this will also confirm, as we discussed, that we may inform the Town of Gilbert subject to the terms and conditions set forth above that Banner is in support of referenced Cases No.'s Z13-08 and UP13-04.

Please feel free to call and discuss the contents of this correspondence if we have not accurately or completely stated all of the terms and conditions of our agreement and we will carefully and promptly make any supplement deemed necessary to accurately reflect our discussions on August 19, 2014. Assuming you find this correspondence consistent with our discussions, I would appreciate your signing below and returning a copy of this correspondence to the undersigned.

Thank you again for meeting with us and for your cooperation on this matter. We surely believe this is a win/win situation for both Banner and Lehman.



Kip Edwards

Vice President of Development and Construction
Banner Health

8/25/14

With appreciation,

Paul E. Gilbert

BEUS GILBERT PLLC

701 North 44th Street | Phoenix, AZ 85008

Direct: 480.429.3002 | Main: 480.429.3000 | Fax: 480.429.3100

Email: PGilbert@beusgilbert.com

Secretary: Jeanette Williams | 480.429.3102 | JWilliams@beusgilbert.com

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Gilbert Holdings
Gilbert, Arizona

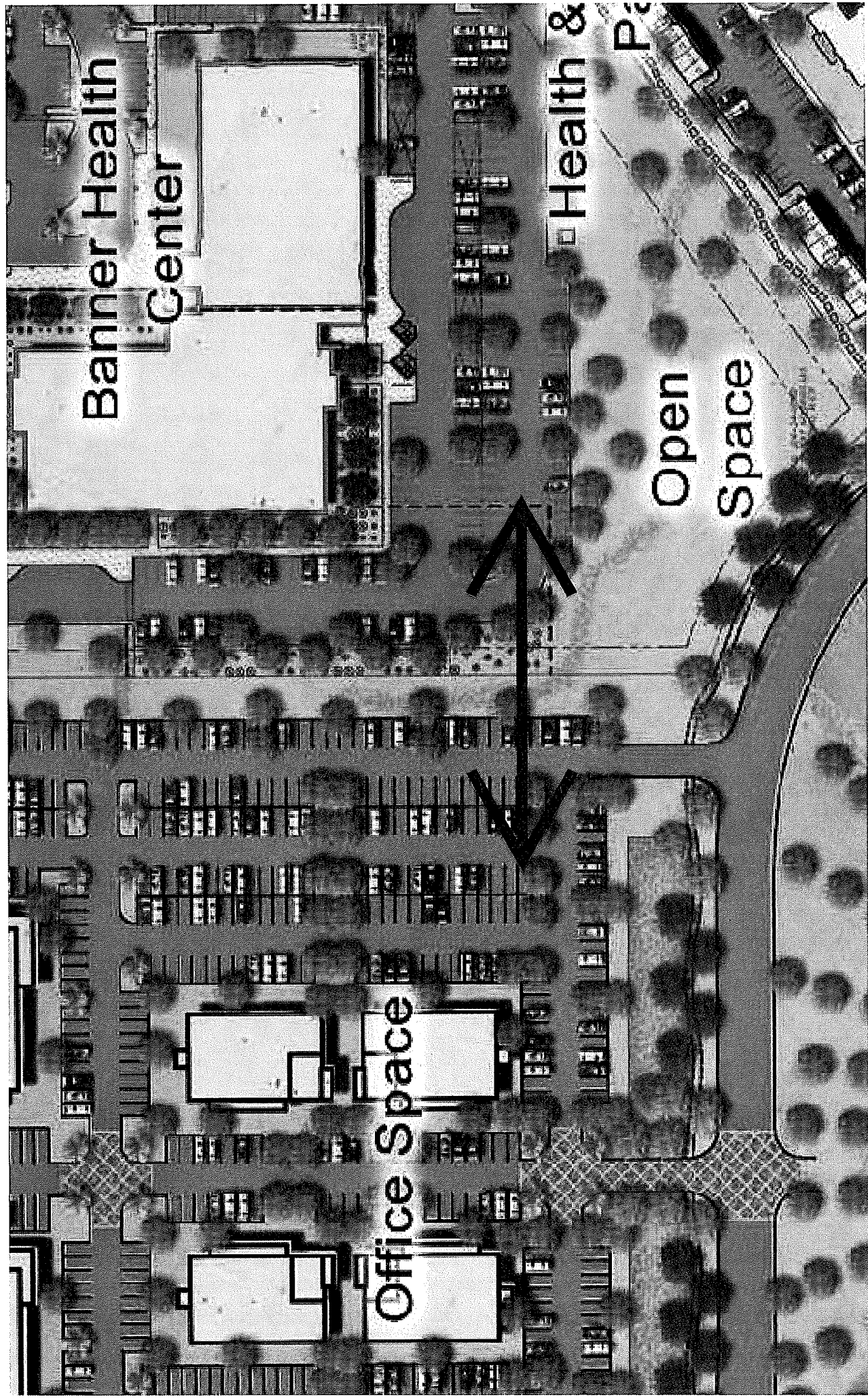
Masterplan

GREEY|PICKETT

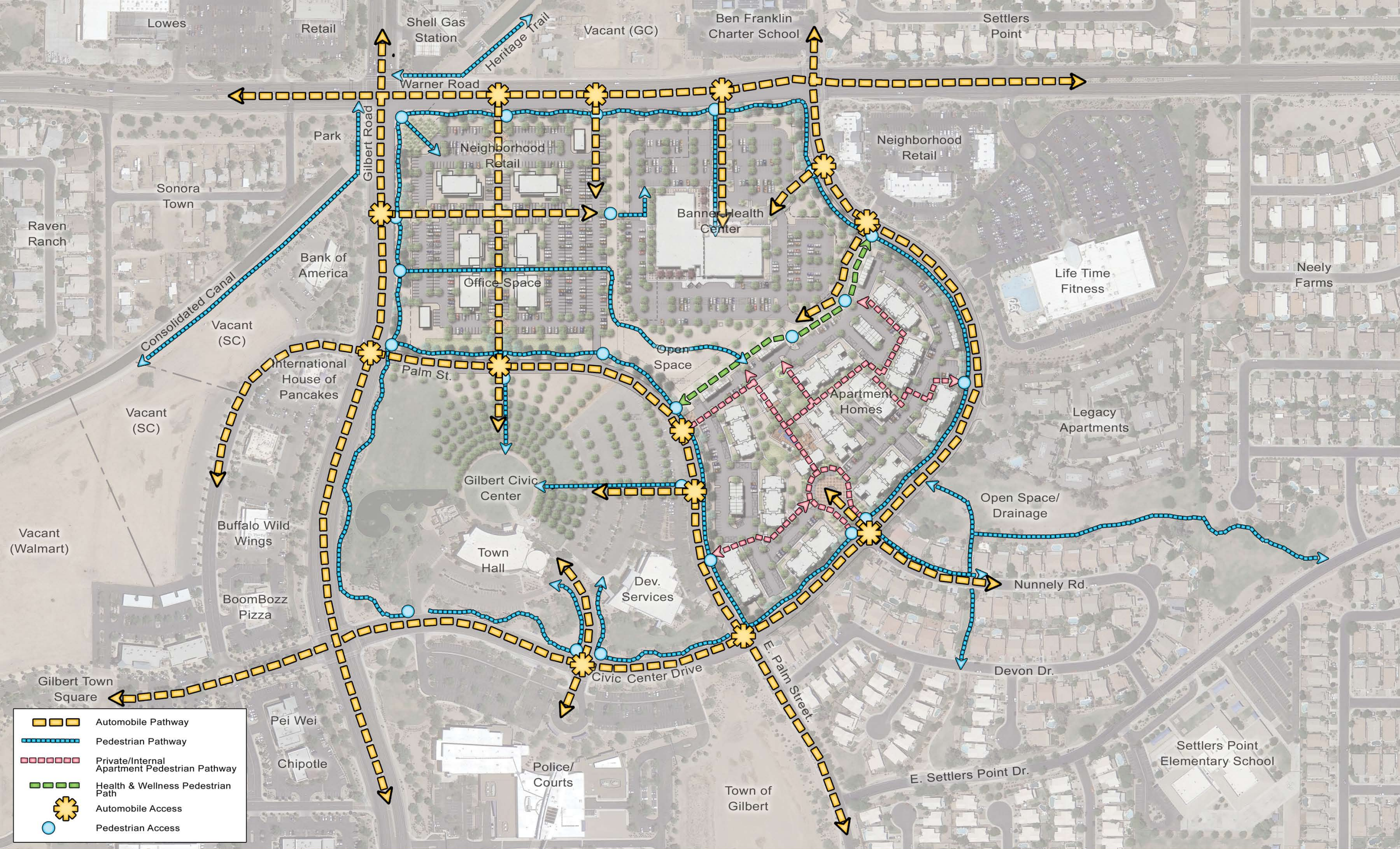
June 17, 2014

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Automobile Pathway

Pedestrian Pathway

Private/Internal Apartment Pedestrian Pathway

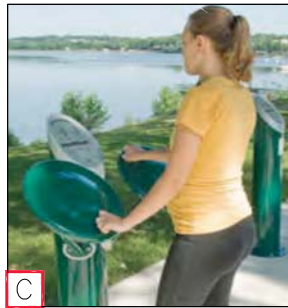
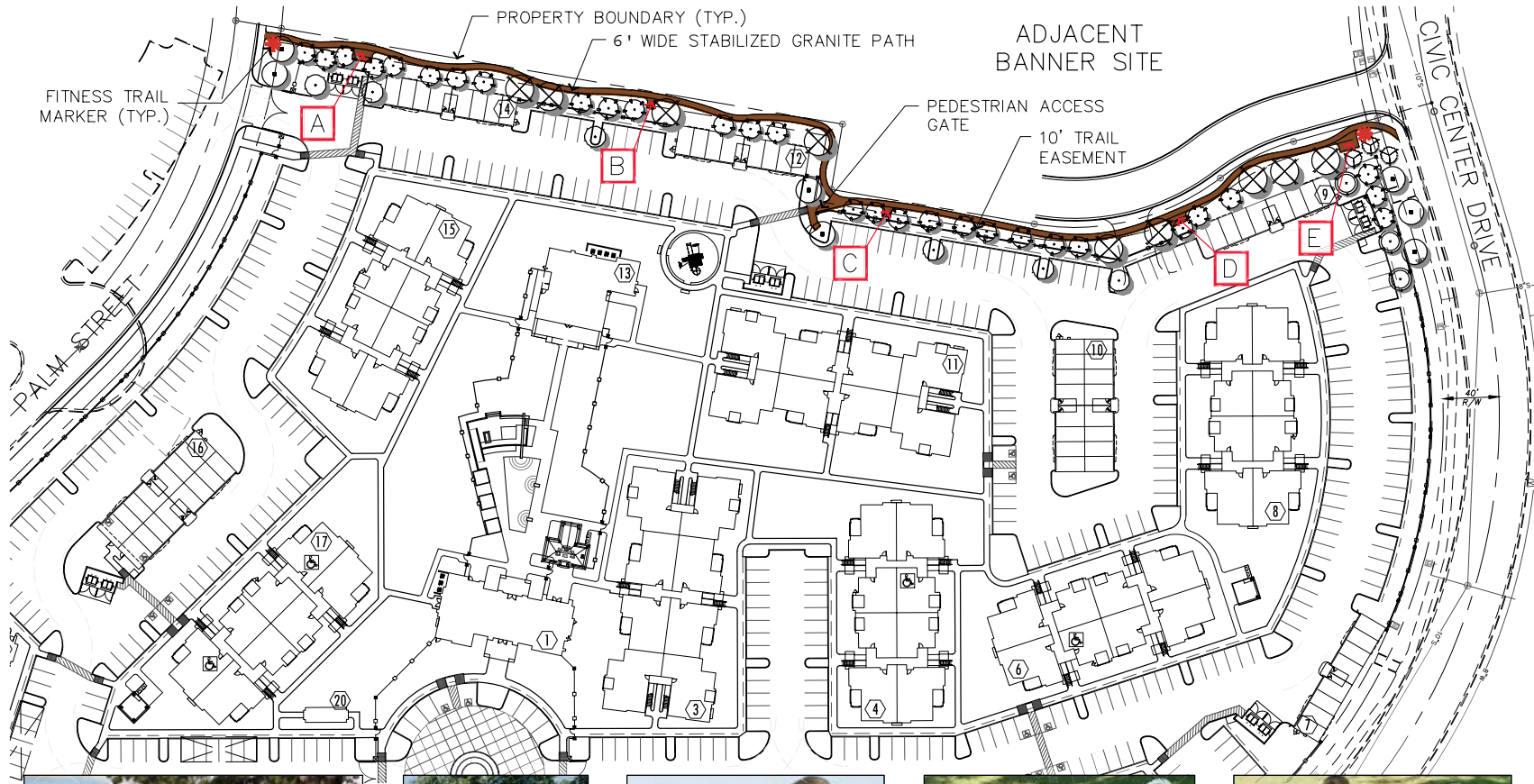
Health & Wellness Pedestrian Path

Automobile Access

Pedestrian Access

Gilbert Holdings
Gilbert, Arizona

Access Masterplan



CIVIC CENTER FITNESS TRAIL

0' 40' 80' 160'

SCALE: 1" = 80'-0"



GILBERT CIVIC CENTER
GILBERT, ARIZONA

Office of Rich Barber Architecture, LLC
ORB

ALLIANCE
RESIDENTIAL COMPANY

COLLABORATIVE V
DESIGN STUDIO INC.
7116 EAST 1ST AVE.
SUITE 103
SCOTTSDALE, ARIZONA
85251
OFFICE: 480-347-0590
FAX: 480-656-6012

DATE: JUNE 27, 2014

CONCEPT

CIVIC CENTER TRAIL PLAN
PRELIMINARY



BLDG TYPE 1



CORNICE TREATMENT



STREET ACCESS



FRONTYARD ENTRIES



COLOR VARIETY



PARAPET WALLS



FRONTYARD GATE



ENTRY ACCENTS



METAL TRIM



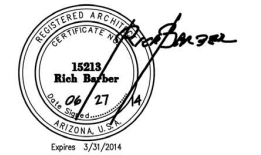
BLDG TYPE 2

GILBERT CIVIC CENTER

GILBERT, ARIZONA

Office of Rich Barber
ORB
Architecture, LLC

WorldHQ@ORBArch.com



ALLIANCE
RESIDENTIAL COMPANY

REVISIONS

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DATE: JUNE 27, 2014 ORB # 13-206

INTEGRATION
ELEMENTS

FILE:1: \Orb\Orb Job Files\13-206_AR_Gilbert Town Hall\CAD files\Preliminary\13206_A301_Bldg5 Elevs.dwg USER: rjb DATE: Jun, 27 2014 TIME: 08:47 am










































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REVISIONS	
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DATE: JUNE 27, 2014 ORB # 13-206

GILBERT CIVIC CENTER PLANT LEGEND

BOTANICAL NAME	COMMON NAME		
TREES		SHRUBS	
 Acacia anura	Mulga	 Bougainvillea x hybrid 'Alexandra'	Alexandra Bougainvillea
 *Acacia salicina 'Doris D'	Weeping Acacia	 Bougainvillea x hybrid 'Torch Glow'	Torch Glow Bougainvillea
 Caesalpinia gilliesii	Yellow Bird of Paradise	 Caesalpinia mexicana	Yellow Bird of Paradise
 Ebenopsis ebano	Texas Ebony	 Dodonaea viscosa	Hopseed Bush
 Phoenix dactylifera	Date Palm	 Dodonaea viscosa 'Purpurea'	Purple Hopseed Bush
 Olneya tesota	Desert Ironwood	 Hamelia patens	Firecracker Plant
 *Prosopis x 'Rio Salado'	Rio Salado Mesquite	 *Eremophila hygrophana 'Blue Bells'	Blue Bells
 *Quercus virginiana 'Heritage'	Southern Live Oak	 *Leucophyllum frutescens 'Green Cloud'	Green Cloud Ranger
 *Parkesonia hybrid 'Desert Museum'	Desert Museum	 Nerium oleander 'Compacta'	Little Red Oleander
 Prunus cerasifera	Purple Leaf Plum	 Ruellia peninsularis	Baja Ruellia
 *Ulmus parvifolia	Evergreen Elm	 *Tecoma hybrid 'Bells of Fire'	Bells of Fire
 Washingtonia x 'Filibusta'	Hybrid Fan Palm	 *Tecoma hybrid 'Orange Jubilee'	Orange Jubilee
ACCENTS/VINES		GROUND COVERS	
 Aloe x 'Topaz'	Topaz Aloe	 *Lantana hybrid 'Dallas Red'	Dallas Red Lantana
 *Agave weberi	Weber's Agave	 *Lantana hybrid 'New Gold'	New Gold Lantana
 Dasylirion texanum	Green Desert Spoon	 *Lantana montevidensis	Purple Trailing Lantana
 Echinocactus grusonii	Golden Barrel Cactus	 Penstemon baccharifolius	Evergreen Penstemon
 *Hesperaloe parviflora	Red Yucca	 Lonicera japonica 'Halliana'	Hall's Honeysuckle
 *Hesperaloe parviflora 'Perpa'	Brakelights Red Yucca	 *Rosmarinus officinalis 'Pyramidalis'	Upright Rosemary
 *Hesperaloe funifera	Giant Hesperaloe	 Teucrium chamaedrys	Germander
 *Muhlenbergia capillaris 'Regal Mist'	Regal Mist	 Wedelia trilobata	Wedelia
 Phoenix roebelenii	Pigmy Date Palm	Seasonal Annuals	Seasonal Annuals

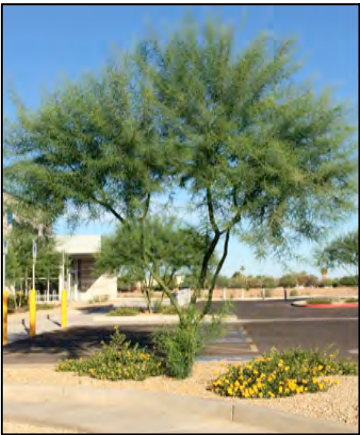
*INDICATES PLANTS USED AT ADJACENT BANNER HEALTH SITE
(INCLUDING HYBRID VARIETIES AND SPECIES WITH SAME GENUS)



MESQUITE AS PERIMETER TREE AT BANNER HEALTH



LIVE OAK AS PARKING LOT TREE AT BANNER HEALTH



DESERT MUSEUM PALO VERDE AT BANNER HEALTH



DESERT MUSEUM PALO VERDES AND MESQUITE AT ENTRY TO BANNER HEALTH



WILLOW ACACIA AT BANNER HEALTH

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DATE: JUNE 27, 2014

CONCEPT

LANDSCAPE INTEGRATION PLAN
PRELIMINARY

LANDSCAPE INTEGRATION PLAN



N.T.S.



Proposed Development Master Plan



Gilbert Town Center Plan Comparison

	SITE PLAN ORD 1689		TOTAL MASTERPLAN	Parcel 1 - Retail/Office	Parcel 2 - Banner Health (NOT A PART OF ZONING)	Parcel 3 - Luxury Apartment Homes	
Site Area	Gross Area	1,743,128 Square Feet	40.02 Acres	1,592,609 Square Feet	504,308 Square Feet	512,514 Square Feet	575,787 Square Feet
Net Area		1,614,711 Square Feet	37.07 Acres				
Planning & Zoning	Current Zoning	RC PAD	RC PAD	RC PAD	RC	RC PAD	RC PAD
Proposed Zoning		RC PAD	RC PAD	RC PAD	Not a Part	RC PAD	RC PAD
Current General Plan		RC	RC	RC	RC	RC	RC
Proposed General Plan		RC	RC	RC	RC	RC	RC
Development Standards	Building Setbacks Required						
Front	25 Feet	25 Feet	25 Feet	25 Feet	25 Feet	10 Feet	(Civic Ctr Drive)
Rear	15 Feet	15 Feet	15 Feet	15 Feet	15 Feet	20 Feet	(Banner)
Sides	20 Feet	20 Feet	20 Feet	20 Feet	20 Feet	10 Feet	(Palm Street)
Landscape Setbacks Required							
Front	25 Feet	25 Feet	25 Feet	25 Feet	25 Feet	20 Feet	(Civic Ctr Drive*)
Rear	15 Feet	15 Feet	15 Feet	15 Feet	15 Feet	20 Feet	(Banner)
Sides	20 Feet	20 Feet	20 Feet	20 Feet	20 Feet	20 Feet	(Palm Street*)
Building Height	Maximum By Code	35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	* Except Buildings
Proposed Buildings	65 Feet/5 Story	Varies	35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	33 Feet / 3 Story	
Commercial Uses	Commercial Area	146,600 Square Feet	174,710 Square Feet	87,300 Square Feet	87,410 Square Feet	NA	
Residential Offices	32,400 Square Feet	120 Units	NA	NA	NA	NA	
Total Commercial	179,000 Square Feet		174,710 Square Feet	87,300 Square Feet	87,410 Square Feet	NA	
Residential Uses	Units	1,206 Units	256 Units	NA	NA	256 Units	
Square Footage	799,104 Square Feet	662.61	270,594 Square Feet	NA	NA	270,594 Square Feet	
Building Area Summary	Total Residential & Commercial	978,104 Square Feet	445,304 Square Feet	87,300 Square Feet	87,410 Square Feet	270,594 Square Feet	
Residential Density	32.53 DU/Acre		7.00 DU/Acre	0.00 DU/Acre	0.00 DU/Acre	19.37 DU/Acre	
Commercial Density (FAR - Net)	11.09%		10.97%	17.31%	17.06%		
Building Coverage	Maximum	50%		50%	50%	50%	
Percentage Proposed	28%			17%	17%	29%	
Landscape/Open Space	Required	15%	15%	15%	15%	15%	
Provided	52%			40%	40%	43%	
Parking	Residential	1,778	511	NA	NA	511	
Commercial	807		480	480	481	NA	
Total	2,585		1472	480	481	511	

Gilbert Town Center Plan Comparison

	SITE PLAN ORD 1689		TOTAL MASTERPLAN	Parcel 1 - Retail/Office	Parcel 2 - Banner Health (NOT A PART OF ZONING)	Parcel 3 - Luxury Apartment Homes	
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Planning & Zoning							
Current Zoning	RC PAD		RC PAD	RC PAD	RC	RC PAD	
Proposed Zoning	RC PAD		RC PAD	RC PAD	Not a Part	RC PAD	
Current General Plan	RC		RC	RC	RC	RC	
Proposed General Plan	RC		RC	RC	RC	RC	
Development Standards							
Building Setbacks Required							
Front	25 Feet		25 Feet	25 Feet	25 Feet	10 Feet	(Civic Ctr Drive)
Rear	15 Feet		15 Feet	15 Feet	15 Feet	20 feet	(Banner)
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Sides	20 Feet		20 Feet	20 Feet	20 Feet	20 Feet	(Palm Street*)
							* Except Buildings
Building Height							
Maximum By Code	35 Feet/2 Story		35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	
Proposed Buildings	65 Feet/5 Story		Varies	35 Feet/2 Story		33 Feet / 3 Story	
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Total Commercial Residential Uses	179,000 Square Feet		174,710 Square Feet	87,300 Square Feet	87,410 Square Feet	NA	
Units	1,206 Units		256 Units	NA	NA	256 Units	
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Commercial Density (FAR - Net)	11.09%		10.97%	17.31%	17.06%		
Building Coverage							
Maximum	50%			50%	50%	50%	
Percentage Proposed	28%			17%	17%	29%	
Landscape/Open Space							
Required	15%		15%	15%	15%	15%	
Provided	52%			40%	40%	43%	
Parking							
Residential	1,778		511	NA	NA	511	
Commercial	807		961	480	481	NA	
Total	2,585		1472	480	481	511	



STREETSCAPE PLANT MATERIALS LEGEND	
Plant Name	
Trees	
<i>Acacia salicina</i> Willow Acacia	
<i>Parkinsonia hybrid</i> 'Desert Museum' Desert Museum Palo Verde	
<i>Pistacia chinensis</i> Chinese Pistache	
<i>Prosopis hybrid</i> 'Phoenix' Thornless Mesquite	
<i>Quercus virginiana</i> Southern Live Oak	
<i>Ulmus parvifolia</i> 'Allee' Allee Elm	
Shrubs	
<i>Calliandra californica</i> Red Fairy Duster	
<i>Callistemon viminalis</i> 'Little John' Bottlebrush	
<i>Eremophila maculata</i> 'Valentine' Valentine Shrub	
<i>Leucophyllum frutescens</i> 'Green Cloud' Green Cloud Sage	
<i>Tecoma stans</i> Yellow Bells	
Groundcovers	
<i>Acacia redolens</i> 'Low Boy' Trailing Acacia	
<i>Lantana</i> 'New Gold' New Gold Lantana	
<i>Rosmarinus officinalis</i> 'Prostratus' Dwarf Rosemary	
Accents Cactus	
<i>Agave palmeri</i> Palmer's Agave	
<i>Hesperaloe parviflora</i> -red Red Yucca	
<i>Muhlenbergia capillaris</i> 'Regal Mist' Regal Mist TM	

Feature Paving

Focal Point

Landscape Trees

Specialty Palm

Open Space/ Parks

Health & Wellness Path

SITE PLAN NOTES

- ALL UTILITY LINES LESS THAN 66 KV ON OR CONTIGUOUS TO THE SITE SHALL BE INSTALLED OR RELOCATED UNDERGROUND.
- ALL TRASH ENCLOSURES SHALL INCLUDE FULLY OPERATIVE SCREENING GATES, ENCLOSED AND PAINTED TO MATCH THE ENCLOSURE. SCREENING GATES SHALL NOT OPEN INTO VEHICULAR DRIVE AISLES. TRASH ENCLOSURES ARE NOT REQUIRED IN INDUSTRIAL DISTRICTS IF LOCATED INSIDE AN ENCLOSED YARD WHICH IS SCREENED BY A PERIMETER WALL AT LEAST 6 FEET IN HEIGHT.
- ALL OUTDOOR STORAGE AREAS FOR STORAGE OF MATERIALS AND EQUIPMENT SHALL BE FULLY SCREENED FROM VIEW BY AN 8' SOLID MASONRY WALL. INDUSTRIAL STORAGE SCREEN WALLS SHALL BE FINISHED WHERE THEY ARE EXPOSED TO PUBLIC VIEW FROM STREETS OR ADJACENT NON-INDUSTRIAL USES.
- S.E.S. PANELS AND ANY OTHER ABOVE GROUND UTILITY CABINET SHALL BE FULLY SCREENED FROM VIEW FROM STREETS OR FROM AREAS ACCESSIBLE TO CUSTOMERS AND THE GENERAL PUBLIC. SCREENING MAY BE ACCOMPLISHED BY ANY OF THE FOLLOWING METHODS:
 - FULLY RECESSED THE CABINET INTO THE BUILDING AND ENCLOSING IT BY A SOLID DOOR OR DOORS SEPARATE FROM THE CABINET.
 - SCREENING WITH A DECORATIVE MASONRY WALL OF THE SAME HEIGHT AS THE PANEL. THE SCREEN WALL MAY BE L-SHAPED, U-SHAPED, OR A STRAIGHT WALL PARALLEL TO THE CABINET, DEPENDING ON THE LOCATION OF THE CABINET.
 - AN ALTERNATIVE SCREENING METHOD APPROVED BY THE PLANNING DEPARTMENT PRIOR TO ISSUANCE OF ANY PERMITS.
- THE LOCATION OF ALL ELECTRICAL UTILITY EQUIPMENT SHALL BE IDENTIFIED ON THE CONSTRUCTION PLANS.
- ROOF-MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED BY OTHER ONE OF THE FOLLOWING METHODS:
 - THE PARAPET WALL OF THE BUILDING SHALL EQUAL OR EXCEED THE HEIGHT OF THE MECHANICAL UNITS, OR
 - BY LOCATING THE MECHANICAL EQUIPMENT BEHIND THE ROOF PLACES IN THE CASE OF MANSARD, HIP OR OTHER THAN FLAT ROOF.
- ROOF MOUNTED MECHANICAL EQUIPMENT ENCLOSURES OR EQUIPMENT SCREEN WALLS SHALL NOT PROJECT ABOVE THE ROOF PARAPET TO THE EXTENT PERMITTED BY LAR. SATELLITE DISHES SHALL BE FULLY SCREENED BY A PARAPET WALL.
- GROUND MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED FROM VIEW FROM STREETS OR SURROUNDING COMMERCIAL VESTIBY A COMBINATION OF DECORATIVE WALLS AND AN EVERGREEN VEGETATIVE HEDGE EQUAL TO OR EXCEEDING THE HEIGHT OF THE EQUIPMENT.
- PNEUMATIC TUBES, WHETHER METAL OR PLASTIC, SHALL BE EITHER:
 - ENCLOSED IN PLASTICS, COLUMNS OR OTHER ARCHITECTURAL FEATURES OF THE CANOPY OR BUILDING, OR
 - ROUTED UNDERGROUND.
- ALL BROUFLON PREVENTION DEVICES LARGER THAN 2" SHALL BE SCREENED WITH LANDSCAPE LOCATED WITHIN A 6' RADIUS OF THE DEVICE. ALL BROUFLON PREVENTERS 2" OR SMALLER SHALL BE PLACED IN A LOCKED WIRE MESH GATE PAINTED TO MATCH THE PRIMARY BUILDING COLOR.
- ALL PRESTANDING LIGHT POLES SHALL:
 - BE LOCATED WITHIN LANDSCAPED AREAS OR PLANTER ISLANDS.
 - HAVE CONCRETE BASES PAINTED TO MATCH THE PRIMARY BUILDING COLOR, OR FINISHED TO MATCH PARKING SCREEN WALLS. CONCRETE BASES FOR LIGHT POLES SHALL NOT EXCEED A HEIGHT OF 30" FROM ADJACENT GRADE.
 - BE LOCATED TO AVOID CONFLICT WITH TREES.
- LANDSCAPING SHALL COMPLY WITH THE LIGHT AND CLIMATE CRITERIA SET FORTH IN SECTION 4.0.3.3 OF THE LDC, INCLUDING A MAXIMUM PRESTANDING LIGHT FIXTURE HEIGHT OF 25'.
- LANDSCAPED AREAS ADJACENT TO PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED AND NATURALLY CONTAINED. NO MORE THAN 50% OF THE REQUIRED RIGHT-OF-WAY AND LANDSCAPING TRACTS) LANDSCAPING FRONTING ADJACENT STREET MAY BE USED FOR EXTERIOR VENTILATION AREA. SLOPES SHALL BE VARYED, AND NO SLOPE SHALL EXCEED A 4:1 MAXIMUM.
- LANDSCAPING SHALL BE MAINTAINED. INDUSTRIAL BUILDINGS MAY USE EXPOSED DOWNPOUTS IF ANTICIPATED WITH THE ARCHITECTURE OF THE BUILDING AND BUILT WITH A DURABLE MATERIAL, SUCH AS STEEL.
- COMMERCIAL DEVELOPMENT VEHICULAR ACCESS POINTS AND PEDESTRIAN ACCESS WAYS SHALL INCLUDE SPECIAL PAINTING. TREATMENT SUCH AS INTEGRAL COLORED STAMPED CONCRETE, STAINING, OR GRASS ALTERNATIVE. LOCATION AND MATERIALS SHALL BE REVIEWED AND APPROVED BY THE PLANNING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- CUSTOMER, EMPLOYEE AND VISITOR PARKING SHALL BE SCREENED FROM STREET VIEW BY LOW MASONRY WALLS. THE PARKING SCREEN WALLS SHALL BE FINISHED ON BOTH SIDES USING THE SAME MATERIALS AND COLORS, AND A DESIGN TO COMPLEMENT THAT OF THE BUILDING.
- ALL EXTERIOR METAL SHALL BE FINISHED OR PAINTED TO MATCH THE APPROVED FINISH COLORS.
- EXISTING ON-SITE PLANT MATERIAL DAMAGED DURING CONSTRUCTION SHALL BE REPLACED WITH COMPARABLE SPECIES AND SIZE.

KEYNOTES

- 9'-10" PARKING SPACE WITH 2.5' OVERHANG, TYPICAL.
- REFUSE ENCLOSURE WITH 6" MASONRY WALL WITH STUCCO FINISH, BOTH SIDES PAINTED TO MATCH BUILDINGS.
- 5'x7' PAD FOR RECYCLE TRASH.
- 17'x10' ACCESSIBLE PARKING SPACE WITH 2.5' OVERHANG.
- INDICATES FIRE TRUCK TURNING RADIUS 35'/45'/55' MIN.
- 4' SIDEWALK, TYPICAL AT SITE INTERIOR.
- 6.5' SIDEWALK, TYPICAL AT PARKING.
- 6' SIDEWALK AT MAIN ENTRY CONNECTING TO EXISTING SIDEWALK ON CIVIL CENTER DRIVE.
- NEW 5' SIDEWALK AT PALM STREET TO MATCH EXISTING.
- ACCESSIBLE CURB RAMP.
- PEDESTRIAN CROSSING MARKING.
- ENHANCED PARKING AT MAIN ENTRY.
- EXISTING CURB.
- ELECTRONIC VEHICULAR GATE TO BE EQUIP WITH THE DEPARTMENT REQUIREMENTS FOR EQUIP WITH CALL BOX AND DIRECTORY.
- 6" PERIMETER NEW FENCE.
- 6" COMBINATION CMU AND NEW FENCE PERIMETER WALL AT PARKING.
- PEDESTRIAN GATE.
- POOL FENCE.
- POOL GATE.
- INDICATES LOCATION OF CARPORT STRUCTURE.
- 14'-4"x20' ACCESSIBLE PARKING GARAGE.
- CONTINUE PALM STREET CURBING AND ASPHALT TO MATCH EXISTING.
- 5.5'x6' LOCATED AT EACH BUILDING ENDS INSIDE ENCLOSED CLOSET WITH DOUBLE DOORS.
- EXISTING FIRE HYDRANT.
- PROJECT SIGN.
- FUTURE PRIVATE DRIVE.
- POSSIBLE FUTURE CONNECTION TO PRIVATE DRIVE.
- 6' PEDESTRIAN ACCESSIBLE PATH.

LEGEND

- DENOTES PROPERTY LINE
- NO. OF PARKING SPACES
- NO. OF COVERED SPACES
- DENOTES ACCESSIBLE PARKING AND ANSI TYPE 'A' DWELLING UNIT
- BUILDING NUMBER
- TYPE 2 BUILDING TYPE
- DENOTES ACCESSIBLE ROUTE
- NEW FIRE HYDRANT
- TRANSFORMER LOCATION

DEVELOPMENT DATA

LOT AREA:			
GROSS AREA	15,208 ACRES	665,711 SF	
NET AREA	13,218 ACRES	575,787 SF	
ZONING:			
EXISTING ZONING	RC PAD		
BLDG HEIGHT:			
PROPOSED HEIGHT	24/33 FT.		
UNIT MIX:			
CARRIAGE (1 BED)		# OF UNITS	
ONE BEDROOM	60		
TWO BEDROOM	156		
THREE	24		
TOTAL	256 UNITS		

UNIT DENSITY:			
PROPOSED:	19.37 DU PER ACRE		
PARKING:			
REQUIRED:			
(1 PER 1 BED)	76 x 1 = 76		
(2 PER 2 BED OR MORE)	180 x 2 = 360		
(0.25 PER DU GUEST)	256 x 0.25 = 64		
TOTAL	500 P.S.		
+ 1 SPACE PER UNIT REQUIRED TO BE COVERED.			
+ 25% OF COVERED SPACES REQUIRED TO BE ENCLOSED.			
PROVIDED:			
OPEN PARKING (9'x19')	255		
CARPORT PARKING (9'x19')	192 (COVERED)		
GARAGE PARKING (10'-4"x20')	64 (ENCLOSED)		
TOTAL PROVIDED	511 P.S.		
TOTAL COVERED PROVIDED	256 P.S.		
PARKING RATIO:			
PROVIDED/UNIT COUNT	511/256 = 1.99		
ACCESSIBLE PARKING:			
REQUIRED (2%)	11 P.S.		
PROVIDED:			
OPEN PARKING	6		
CARPORT PARKING	4 (COVERED)		
GARAGE PARKING	2 (COVERED)		
TOTAL	12 P.S.		

SETBACKS:			
BUILDING SETBACKS:	REQUIRED	PROVIDED	PROVIDED
FRONT (CIVIC CENTER)	25'	10'	20'
REAR (BANNER)	15'	10'	20'
SIDE (PALM ST.)	20'	10'	20'
* EXCEPT BUILDINGS			

BUILDING COVERAGE:			
ALLOWED:	50%		
PROVIDED:	28.62% (171,078 SF)		

LANDSCAPE/OPEN SPACE:			
REQUIRED:	15%		
PROVIDED:	43.92% (262,525 SF)		

GROSS BUILDING AREA:			
PROVIDED:			
TOTAL GROSS BUILDING AREA	270,694 SF		
FAR (NET)	45.28 %		

GILBERT CIVIC CENTER
GILBERT, ARIZONA

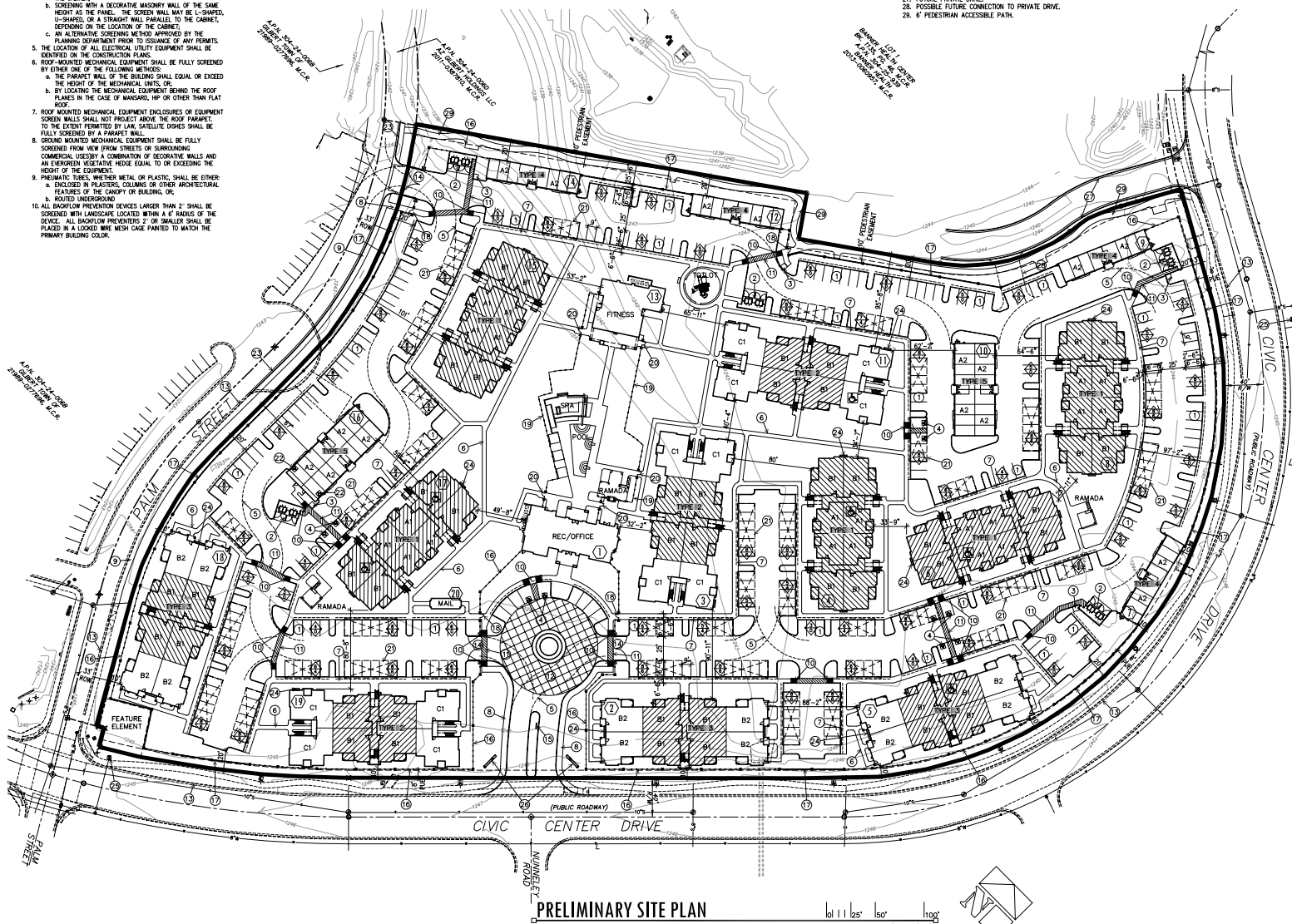
Office of Rich Barber
ORB
Architecture, PLLC

WorldHQ@ORBArch.com

PRELIMINARY NOT FOR CONSTRUCTION
ALLIANCE RESIDENTIAL COMPANY

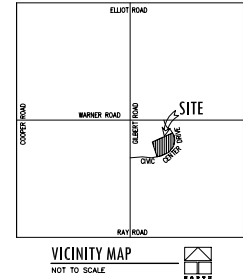
REVISIONS	
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DATE:	AUGUST 6, 2014
ORB #	13-206

A1.10
SITE PLAN
PRELIMINARY

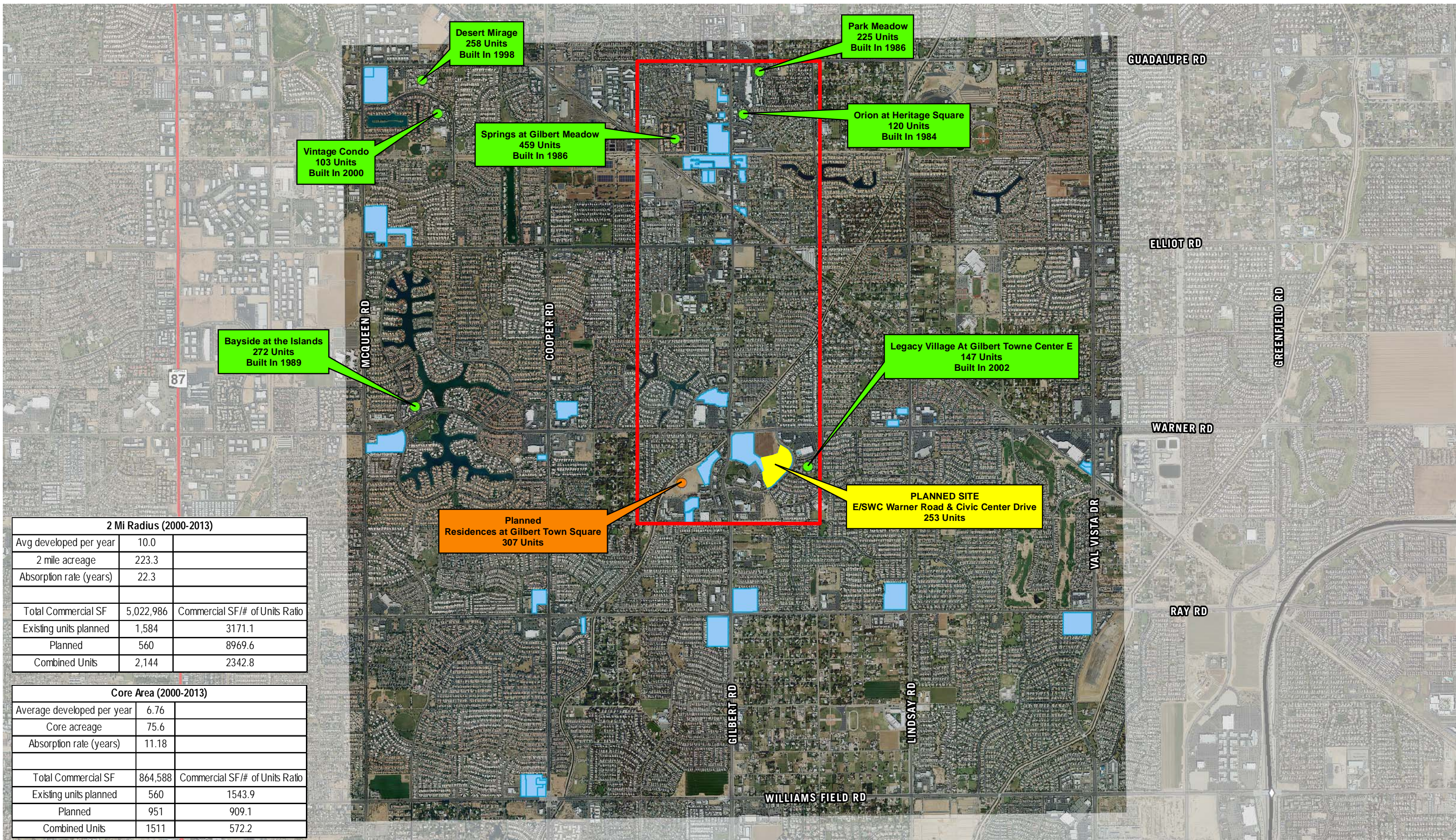


PRELIMINARY SITE PLAN

SCALE: 1" = 50'-0"



VICINITY MAP
NOT TO SCALE



2 Mi Radius (2000-2013)		
Avg developed per year	10.0	
2 mile acreage	223.3	
Absorption rate (years)	22.3	
Total Commercial SF	5,022,986	Commercial SF/# of Units Ratio
Existing units planned	1,584	3171.1
Planned	560	8969.6
Combined Units	2,144	2342.8

Core Area (2000-2013)		
Average developed per year	6.76	
Core acreage	75.6	
Absorption rate (years)	11.18	
Total Commercial SF	864,588	Commercial SF/# of Units Ratio
Existing units planned	560	1543.9
Planned	951	909.1
Combined Units	1511	572.2

NON-CONFORMANCE WITH GENERAL PLAN

In the General Plan: The Regional Commercial classification designates areas for a broad range of high intensity uses emphasizing retail commercial uses. There is no maximum size for any use. The designation includes uses permitted in all other commercial categories plus regional shopping centers, hospital/medical centers, hotels/motels and mixed-use developments. The Regional Commercial classification may also accommodate high density residential development where residential uses are closely integrated with retail/office uses in a compact development containing urban amenities. Regional Commercial serves a broad market area larger than the Town. Regional Commercial designations are thirty or more acres and are located at freeway/arterial intersections or at intersections of arterials with Roads of Regional Significance, which would correspond with the proposed Minor General Plan Amendment under GP14-07 on the subject site.

The bullet points below summarize several of the notable features of the Town's General Plan Policies that the proposed amendment does not respond with:

Chapter 2 - Land Use and Growth Areas

Policy 1.5 Designate and protect sites for employment uses in appropriate locations to increase the Town's employment base.

Policy 2.1 Encourage landscape buffers between existing developed areas and new development.

Policy 3.3 Classify land uses in a way that recognizes both the use of the property and the desired scale of the uses.

Policy 3.4 Encourage densities appropriate for the Growth Areas by identifying locations for compact vertical intensity.

Policy 3.5 Promote appropriate mixed-use development within existing land use classifications in identified growth areas that have multi-modal transportation options, including transit or high capacity transportation routes

Policy 4.2 Encourage appropriate locations for multi-family residential uses that do not adversely impact lower density residential neighborhoods.

Policy 4.4 High density housing is encouraged near large employment centers and/or transportation corridors.

Policy 5.3 Locate commercial and retail uses adjacent to residential uses in appropriate intensities to serve local, community and regional markets.

Chapter 6 – Community Design

Policy 1.3 Encourage residential/ non-residential land use transitions that minimize negative impacts of commercial and industrial uses on adjacent residential uses.

Policy 3.6 Encourage design of common areas in each neighborhood that recognizes open space, passive and active, as a necessity providing recreation for children, youth and adults and designating areas for off-street parking adjacent to active areas.

Policy 5.2 Encourage design that provides a combination of active and passive open spaces in each cluster of buildings.

Policy 6.9 Encourage developers to include in the design of shopping centers and other major commercial projects and power centers, usable pedestrian gathering areas with enhanced walkways that connect buildings in the same development and are accessible to public transportation.

Policy 6.10 Encourage developers of commercial projects to designate visible areas to display public art and design seating areas with enhanced paving, sheltered with shade structures and vegetation, pedestrian lighting and other place making features.

Chapter 8 – Housing and Conservation

Policy 1.2 Encourage builders and developers to build mixed-use developments that include housing components in infill areas.

Policy 1.3 Establish guidelines for infill development that respect the scale and character of the neighborhood

Chapter 9 – Economic Development

Policy 1.5 Encourage the protection and expansion of the land (and/or densities) designated in the General Plan for employment uses.

Policy 1.7 Consider creating and setting guidelines for a new “Mixed-Use” land-use designation for the Zoning Code to facilitate the integration of employment, residential and retail developments.

Policy 4.6 Attract, retain and grow unique retail businesses that serve a regional customer base as a means to increase Gilbert’s sales tax revenues.

- 1 Great Fountain and Plaza
- 2 Sculpture
- 3 Overhead Gateway
- 4 Auto Plaza and Center Piece
- 5 Entry Monument
- 6 Stair Connection from Amphitheatre
- 7 Civic Plaza
- 8 Bridge
- 9 Great Lawn
- 10 Cedar Hill
- 11 Pond
- 12 South Meadow
- 13 Twin Pond
- 14 Connection from Park
- 15 Great Hill
- 16 North Lake
- 17 Pavillion
- 18 Palm Canyon
- 19 Bosque of Palms and Oaks
- 20 Long Meadow
- 21 Parking
- 22 Seating/BBQ Areas
- 23 20' Wide Street

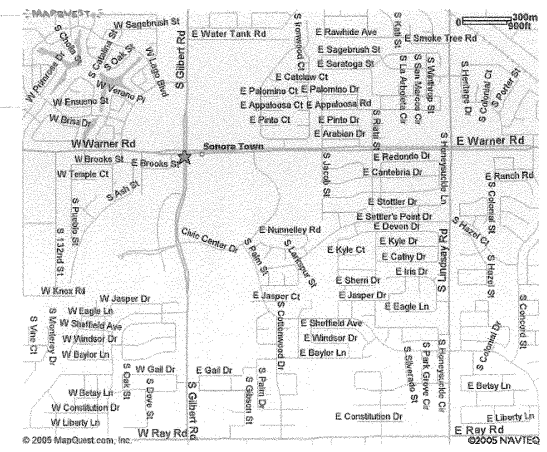
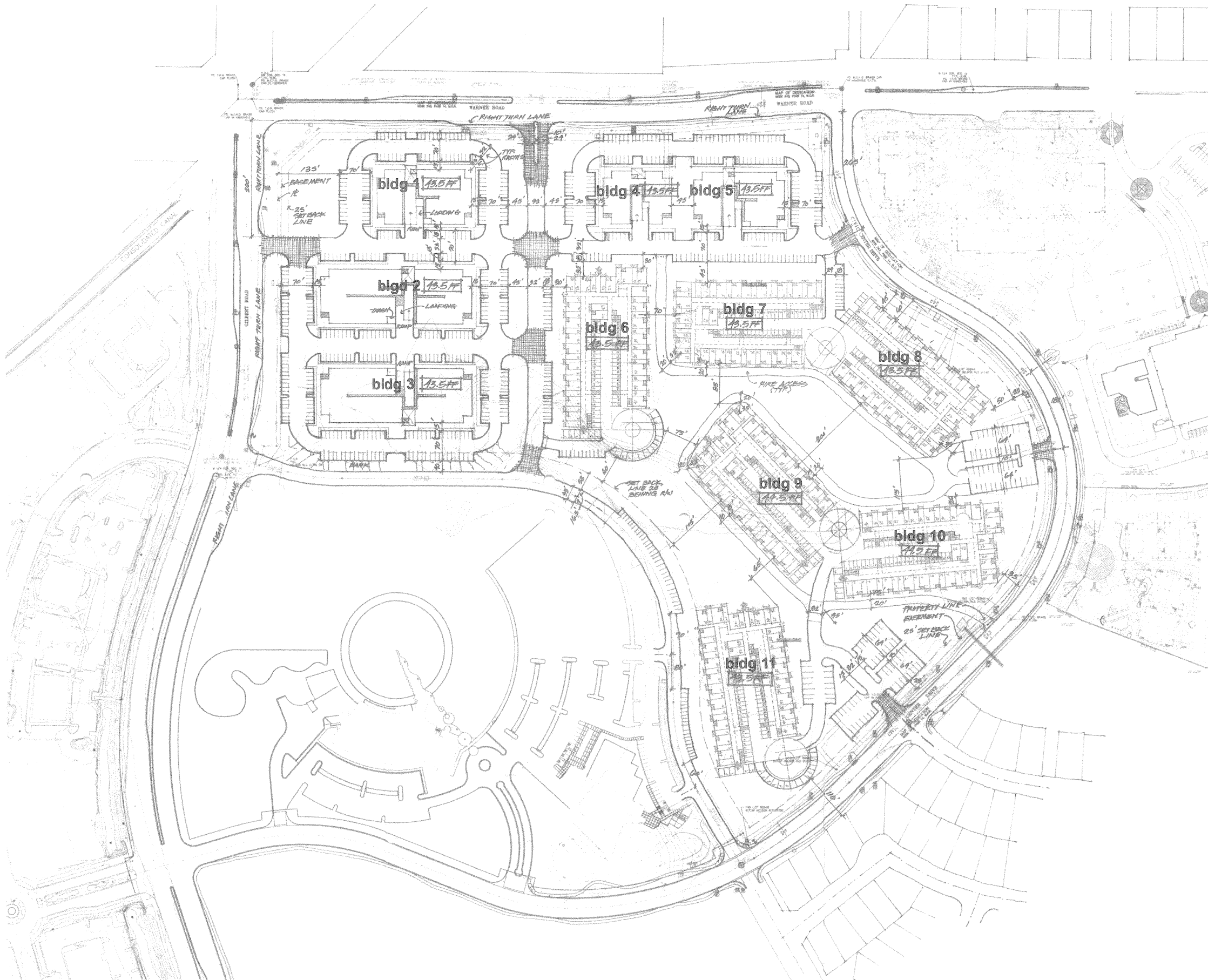


Central Park at Gilbert Town Center Conceptual Landscape Plan

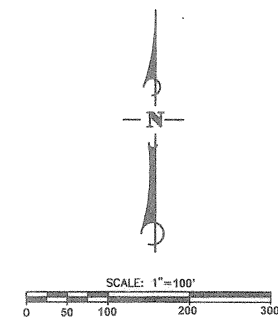
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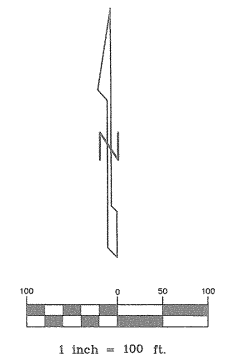
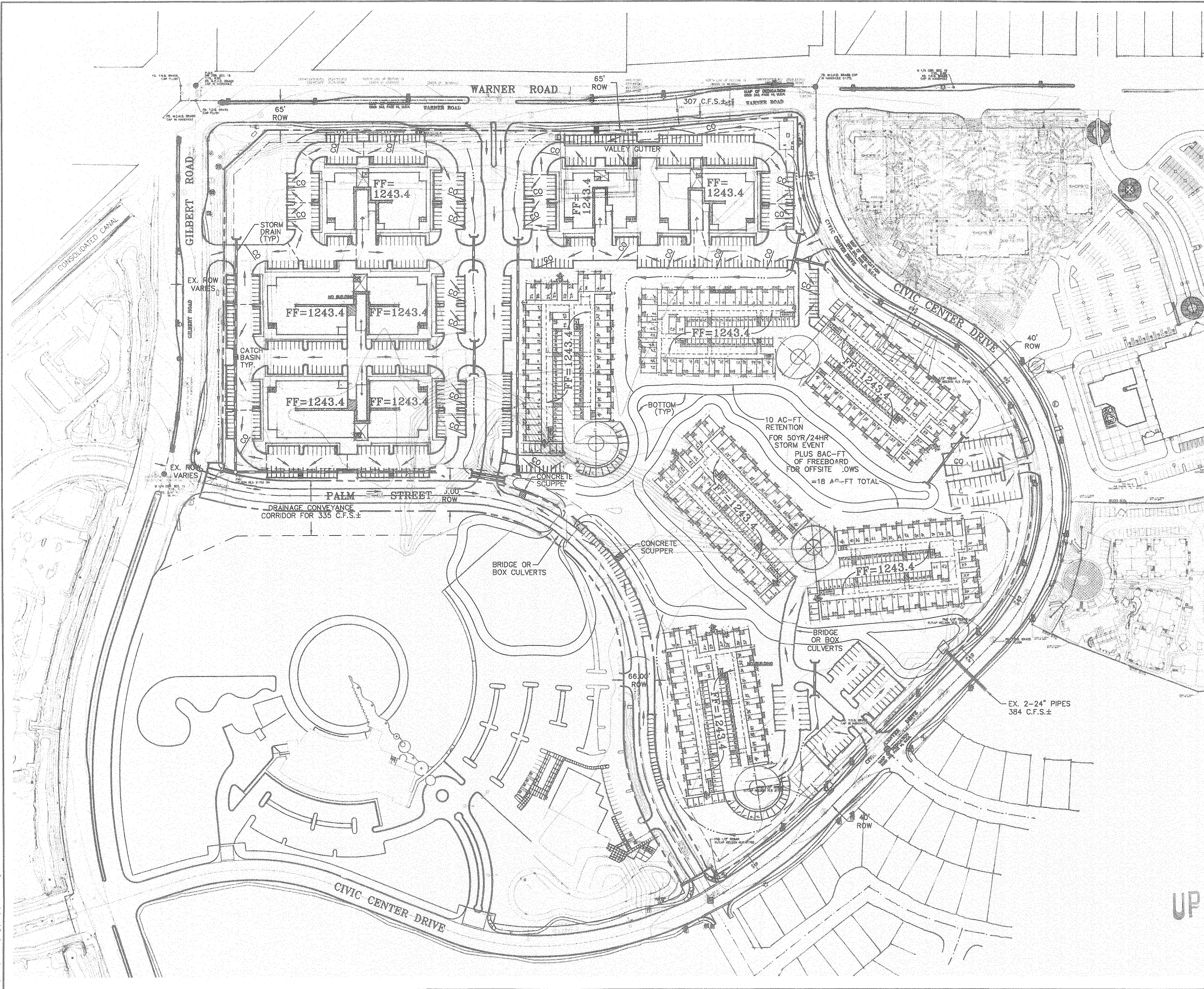
UP05-12 (2ND)



vicinity map



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LEGEND

- RIGHT-OF-WAY LINE
- STORM DRAIN WITH HEADWALLS
- FLOW ARROW
- CONCENTRATED FLOW
- CURB OPENING
- RIDGE

GILBERT TOWN CENTER SCHEMATIC GRADING & DRAINAGE PLAN

PRELIMINARY
NOT
FOR
CONSTRUCTION
OR RECORDING



WOOD/PATEL
CIVIL ENGINEERS
HYDROLOGISTS
LAND SURVEYORS
CONSTRUCTION MANAGERS
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Phoenix, AZ 85021
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www.woodpatel.com

ENGINEER D. FOX
DESIGNER W. WISNIEWSKI
CAD TECHNICIAN C. BACH
SCALE (HORIZ) 1"=100'
SCALE (VERT) 1"=100'
DATE 8-12-05
JOB NUMBER 052467
SHEET 1 OF 1



**TOWN OF GILBERT
PLANNING COMMISSION, REGULAR MEETING
GILBERT MUNICIPAL CENTER, 50 E. CIVIC CENTER DRIVE, GILBERT ARIZONA
OCTOBER 5, 2005**

COMMISSION PRESENT:

**Chairman Brigitte Peterson,
Vice Chairman Michael Monroe,
Commissioner Dan Dodge,
Commissioner Karl Kohlhoff,
Commissioner John Sentz,
Commissioner Anthony Bianchi,
Commissioner Chad Fuller,
Alternate Commissioner Jennifer Whittmann**

STAFF PRESENT:

**Acting Planning Director Linda Edwards,
Planning Manager Maria Cadavid,
Senior Planner Mike Milillo,**

ALSO PRESENT:

**Town Attorney Phyllis Smiley,
Town Traffic Engineer Bruce Ward,
Town Manager George Pettit,
Councilmember Joan Krueger,
Recorder Trasie Johns**

<i>PLANNER</i>	<i>CASE</i>	<i>PAGE</i>	<i>VOTE</i>
Mr. Milillo	GP05-7	2	Approved
Mr. Milillo	Z05-14	2	Approved
Ms. Cadavid	S05-09	11	Approved
Ms. Cadavid	S05-10	16	Continued
Mr. Milillo	S05-12	16	Approved
Mr. Mangiamele	Z05-16	18	Continued

< - - - > = deleted text **bold** = added text
in stipulations

CALL TO ORDER:

Chairman Brigitte Peterson called the meeting to order at 6:00 P.M.

ROLL CALL

Ms. Johns called roll and a quorum was determined to be present.

APPROVAL OF AGENDA

Chairman Brigitte Peterson requested a motion to approve the agenda.

Commissioner Dan Dodge reordered the agenda. He explained that the major sections of the agenda would be changed to the following order: Public Hearings would be first, the Administrative Items next and finally the Board of Adjustment section. In the Public Hearing section, items 9 and 10 would be first and item 5 would be last. In the Administrative items, item two included Board of Adjustment minutes, which will be changed to be heard in the beginning of the Board of Adjustment meeting.

Planning Commission
Regular Meeting 10/5/05

A motion was made by Commissioner Dan Dodge, seconded by Commissioner John Sentz, to approve the agenda as follows: the major sections of the agenda would be changed to the following order: Public Hearings would be first, the Administrative Items next and finally the Board of Adjustment. In the Public Hearing section, items 9 and 10 would be first and item 5 would be last. In Administrative items, item two includes Board of Adjustment minutes, which will be changed to be heard in the beginning of the Board of Adjustment meeting.

Motion Carried 7-0.

COMMUNICATIONS FROM CITIZENS

Chairman Brigitte Peterson announced that members of the public could comment on items not on the agenda. She stated that the Commission's response was limited to responding to criticism, asking staff to review a matter commented upon or asking that the matter be put on a future agenda. She asked if anyone would like to speak. She informed the audience that there were blue slips that needed to be filled out if anyone wanted to speak.

No one came forward.

PUBLIC HEARING

Chairman Brigitte Peterson announced that comments will be heard from those in support of or in opposition to an item. Once the hearing is closed there will be no further public comment unless requested by a member of the Commission.

GP05-7 - Minor General Plan amendment from Shopping Center (SC) to Regional Commercial (RC) on a 37-acre parcel located at the southeast corner of Gilbert and Warner Roads. Mike Milillo 503-6747

Z05-14 - Rezoning from Shopping Center (SC) to Regional Commercial (RC) within a Planned Area Development Overlay located at the southeast corner of Gilbert and Warner Roads. Mike Milillo 503-6747

Chad Fuller recused himself from these items along with items S05-09 and S05-10. He explained that the owners of the properties were clients of the law firm he worked for.

Chairman Brigitte Peterson opened the public hearing.

Senior Planner Mike Milillo provided a visual aid of the General Plan exhibit. He reviewed the request, which was to a General Plan amendment and zoning case which will change the land use designation on approximately 37 acres from Shopping Center to Regional Commercial. He explained that the project was originally a PAD overlay in 1986. Subsequent to this, the Settlers Point PAD was amended on two different occasions for different types of development plans. He pointed out that Regional Commercial Land Use designation accommodates mixed commercial, entertainment, and high density residential development where residential uses are closely integrated with retail uses in a compact development containing urban amenities.

He used the visual aid and reviewed the surrounding land uses:

	<i>Existing Land Use Category</i>	<i>Existing Zoning</i>
<i>North:</i>	(GC) General Commercial	Maricopa County (Commercial)
<i>East:</i>	(GC) General Commercial, Residential >8- 14 DU/Acre and Residential 3.5-5 DU/Acre	GC, MF/L and SF-6

<i>South:</i>	Public Facility/Institutional (PF/I) and Residential >3.5-5 DU/Acre	PF/I and SF-6
<i>West:</i>	Shopping Center (SC)	Gilbert Road, then (SC) Shopping Center with a PAD overlay.

Mr. Milillo commented that staff finds the proposal conforms to the General Plan's Vision to "provide a sustainable mix of land uses that will maintain the quality of life elements that make Gilbert a community of excellence and promotes economic development and redevelopment at appropriate locations." This project's location, types of housing and easily accessible retail and service uses will help promote Gilbert as a community in which to live, work and play. Moreover, the proposed development concept contains several notable features that respond to the General Plan's policies:

- Traffic circulation needs are balanced with the goal of creating a pedestrian-oriented neighborhood and convenient employment/retail centers.
- The plan interconnects neighborhoods, retail and employment areas with a system of pedestrian and bicycle routes.
- Residential/non-residential land use transitions are carefully managed, and existing residential uses are protected from negative impacts of commercial uses

Mr. Milillo stated that staff supports the requested General Plan Amendment to the Regional Commercial (RC) land use classification finding that the 37-acre parcel is uniquely located to develop a synergy with the Gilbert Municipal Center and the surrounding residential neighborhoods and commercial centers.

Mr. Milillo reviewed the zoning request. He used an overall conceptual master plan of the Municipal Center and the new site. He reminded the Commission that earlier that year the Town contracted with a designer in order to redesign the conceptual master plan for the municipal center site. This established some hardscape elements, an amphitheater and some new buildings. It also established the final alignment for Palm Street which will connect to Civic Center to Gilbert Road on the west side of the site. The conceptual master plan originally envisioned retail commercial uses on the northwest portion of the site with residential and possibly office uses on upper stories. There would also be residential condominium uses on eastern portion of the site. All of these were integrated in a green open space plan with a pedestrian linkage back to the Municipal Center. A plan that was very similar to the one was shown that evening was shown to the public in an open house and to the Town Council in June.

Mr. Milillo explained that the existing zoning on the subject property is Shopping Center (SC). This zoning would accommodate medium scale retail, office, service and entertainment uses. The RC zoning district is necessary to accommodate both the mix of uses and the specific plan for development. The rezoning action will also repeal the 1986 Analysis of Commercial Land Use Requirements prepared for the Settler's Point PAD and the 1991 Design Guidelines for the Gilbert Municipal Center and replace them with the Conceptual Master Plan.

- Repeal of the 1986 Land Use Analysis- This analysis, performed almost 20 years ago, contained fairly accurate projections of economic and demographic conditions. While it did not anticipate the developing cluster of professional office space in the Loop 202/Val Vista Drive area, its recommendations for a mixed-use Civic Center Core are reflected in the current Gilbert Town Center proposal.
- Repeal of the 1991 Design Guidelines- The elements contained in these guidelines are replaced by the 2005 Conceptual Master Plan for the Municipal Center and Gilbert Town Square, the Site Development Regulations contained in the LDC and the modified RC zoning district Development Standards approved with this zoning request.

Mr. Milillo reviewed the project data:

Proposed Project*	
Gross Site Acreage:	+/- 37.1 acres
Existing Zoning:	(SC) Shopping Center with a PAD

Planning Commission
Regular Meeting 10/5/05

	overlay, Settler's Point.
Proposed Zoning:	(RC) Regional Commercial with a PAD overlay.
Gross Floor Area (Commercial):	179,000 s.f.
Dwelling Units (Lofts over Retail and Condominium Buildings):	1,206 units
Proposed Setbacks*:	Front-25' Side (streets)-20' Side (residential)-75' Rear 15'
Maximum Building Height**:	65' T.O. Parapet
Total Parking Provided:	2,385 spaces

*This project has been reviewed under the Land Development Code (LDC)

**Building Height Increase sought through Conditional Use Permit (UP05-12).

Mr. Milillo noted that the Use Permit for the height increase was not being approved that evening.

Mr. Milillo reviewed the Development Standard modifications:

Development Standard Modifications

<i>Standards</i>	<i>RC Zoning District/ Parking & Loading Regulations</i>	<i>Proposed Development</i>
Maximum Building Height:	55'	65'/5 stories > 250' from Civic Center Drive (CUP Required)
Minimum Required Perimeter Landscape Area:	50' X 250' from intersection of street lines	< 50' between 170' and 250' from the intersection of Gilbert Road along the Warner Road frontage
Off-Street Parking Requirements:	1 space per 200 sq. ft. GFA	1 space per 250 sq. ft. GFA (Administrative UP)
Visitor Parking:	On-street parking counted toward the visitor parking requirement in SF-D, SF-A, MF/L, and MF/M zoning districts	Up to 82 on-street parking spaces on Palm Street counted toward the visitor parking requirement (Administrative UP)
Parking Screen Walls:	3'-4' parking screen walls or berms required to screen parking	No screen walls or berms required along the Gilbert or Warner Road frontages
Parking Space and Aisle Setbacks at Arterial Driveway Entrances:	A minimum of 80 feet from the arterial right-of-way	A minimum of 35 feet from the arterial right-of-way (Requires Town Traffic Engineer's Approval)
Maximum Depth of Retention Basins:	Retention basins shall not exceed a maximum depth of 2.5 feet, measured from the adjacent street grade	Retention basins shall not exceed a maximum depth of 4 feet, measured from the adjacent street grade (Variance Required)

Mr. Milillo reviewed the staff's comments on the development standard modifications:

Building Height- Staff supports the requested building height increase conceptually as it is limited to areas located a significant distance from any residential uses. The increase must be approved through submittal of an application for a Conditional Use Permit.

Intersection Landscape Area- The deviation was a 17.7% reduction along one frontage. He explained that the arterial intersection landscape buffer takes place at the intersection of the arterials. The requirement states that they must maintain a landscape buffer for 250' along Warner

and Gilbert Road. The applicant was proposing to provide more than 50' along the Gilbert Road frontage and exceed the 50' along Warner Road. However, between 170' and 250' the applicant was looking to provide less than the required 50'. He explained that staff supported this and felt that other precedents had been made in the Town of Gilbert for this in the past. The requested deviation from the Arterial/Arterial Intersection landscape buffer was justified given the proposal to develop a 265' X 135' public plaza at the corner of Gilbert and Warner Roads. This plaza provides more landscape/hardscape than contemplated in the LDC and staff believes it will more than offset the reduced landscape buffer along Warner Road.

Parking Requirements- Parking required for the commercial portions of this development is 968 spaces. The applicant is requesting a 20% reduction in the number of parking spaces normally required in the RC zoning district. Planning staff does not have sufficient information at this time to determine if this request is warranted. The decrease must be approved through submittal of an application for an Administrative Use Permit.

Visitor Parking- Planning and Traffic Engineering staff support the use of Palm Street for limited guest parking areas. This deviation will allow improved open space continuity, minimize paved surface areas and provide opportunities for shared parking with the Municipal Center site. Additional parking flexibility may be provided through submittal of an Administrative Use Permit.

Parking Screen Walls/Berms- The LDC screening requirements apply to all parking areas and access aisles within 75' of rights-of-ways. Staff cannot support the requested deviation, but recommends that all screening occur through the use of walls rather than berms and that screen walls be offset to allow pedestrian access to the project.

Parking Space and Aisle Setbacks at Arterial Driveway Entrances: The LDC requires a drive aisle setback of 80' from the arterial right-of-way. The requested deviation will be applied to a single driveway out of the six driveways proposed on the project. The northernmost Gilbert Road driveway provides a 35' drive aisle setback from Gilbert Road. As Gilbert Town Square promotes a compact, urban environment in which the building forms are located closer to the roads and 360-degree parking is provided at each building, and the application of this reduced standard is limited to only one driveway, staff supports the deviation. He explained that only the Town Traffic Engineer could approve this deviation and could not be a part of the PAD. He added that the Town Traffic Engineer was supportive of this deviation as there were only two directions that were affected.

Maximum Depth of Retention Basins: The maximum depth of retention basins is established at 2.5' from adjacent street, sidewalk or drive aisle grade. As Gilbert Town Center is envisioned as an urban, pedestrian-friendly development, staff cannot support the requested deviation. If projected stormwater flows cannot be reduced with consent of the County Flood Control district, underground storage should be planned as an alternative. This also could not be modified in the PAD. He explained that a variance would be required for this deviation.

Mr. Milillo concluded that staff supported the rezoning to Regional Commercial. They also support the modification for the corner landscape buffer. They feel that the planned ground floor retail uses, the residential loft and multi-family housing and office uses were all permitted in the RC Zoning district and will create a synergistic mixed use environment for this key parcel within the Town of Gilbert. He stated that staff recommended approval with the amended conditions that were given to the Commission that evening.

Commissioner Dan Dodge requested that staff review what had changed in the conditions.

Mr. Milillo explained that "a" remained the same. He added that that "b" had a slight modification in that the words "as modified by the PAD and Conceptual Development Plan attached as Exhibit L" were added. They added condition "c". He explained that after conferring with the Town Traffic Engineer they felt if

there was a strong indication that they would be approving visitor parking on Palm Street that they would want a dedication of the project's half of Palm Street. If they were going to use it as diagonal parking they should have 50' from the center line of Palm Street. Currently Palm Street does not exist. Item "d" was also added, requiring off site improvements to Palm Street. Items "e" and "f" were added, repealing the land use analysis and design guidelines. Some specifications on the arterial intersection plaza on the corner and Warner were added to item "g", along with a reference to Exhibit M. He explained that they felt they wanted a conceptual site plan for the area at the arterial intersection rather than just a vague conceptual representation on the development plan. Therefore they were attaching Exhibit M in order to supply some criteria in which to review the pedestrian plaza at the Design Review stage. The final item that was modified was in "h", sub item 3. They added some detail in what should be included in the Master Open Space Design Plan. It should include as a minimum an analysis of solar orientation, shading effects on landscape, water features and hardscape details. All of the items in condition h. would be reviewed by the Design Review Board.

Commissioner Dan Dodge stated that in respect to the second item of the development standard modifications, the minimum required perimeter landscape area, it stated less than fifty. He thought that this could be anything from 0-49. He couldn't find any specific reference to what was expected there. He went to the attachment, but did not get a full size. He was unable to tell by looking at Exhibit L.

Mr. Milillo explained that this was a drive that had parking along it that intersects with the internal village street system that has diagonal parking all along it. This drive curved to the north. He pointed out the northwestern curve line of the driveway on the visual aid and pointed out that the driveway encroaches in the fifty foot at a certain location. In addition, there were three parking spaces that were located along Warner Road that would be within the 50'.

Commissioner Dan Dodge questioned what the minimum width was within that landscape strip.

Mr. Milillo replied that the minimum width was about 10' instead of the required 50'.

Commissioner Dan Dodge was concerned about a requirement that just stated less than 50'. He thought they might want to be more specific.

Mr. Milillo replied that they were comfortable with it since the case had Exhibit M.

Commissioner Dan Dodge replied that this exhibit didn't show any dimensions.

Mr. Milillo replied that they could change it to state between 10' and 50' of depth between 170' from the intersection.

Commissioner Dan Dodge referred to the same chart, the Development Standard Modifications, under visitor parking, where they refer to the 82 on street parking spaces on Palm Street. He questioned if they were talking about the residential or business component of the project.

Mr. Milillo responded that they were referring to the residential component.

Commissioner Dan Dodge questioned if this ended up accounting for most of the visitor space.

Mr. Milillo replied that they just received the traffic impact report today and he did not have an answer. He deferred it to the applicant

Commissioner John Sentz referred to the off street parking modifications and questioned what the basis was for the 25% reduction in parking.

Mr. Milillo replied that staff's understanding on this was that because there was a mixture of uses they were looking to share parking since each use had different peak parking hours. They had not seen any analysis that would provide for justification of this. Therefore staff didn't have an opinion regarding this item.

Commissioner Dan Dodge pointed out that this would not be approved this evening and would come in later under a Use Permit.

Commissioner John Sentz referred to the arterial entrance, and stated that staff indicated that this would only apply to south bound and east bound. He thought it also applied to north bound traffic.

Mr. Milillo provided a visual aid and pointed out that the driveway that required the modification. What he was explaining in serving east bound and south bound was that there were only two movements when you entered the plaza.

Vice Chairman Michael Monroe referred to the parking screen walls and questioned what the staff's opinion was on them. He thought that they had all Warner Road with parking and a portion of Gilbert Road with parking. He thought that it looked pretty close to the sidewalk and was concerned about the applicant's request to not have screen walls.

Mr. Milillo replied that staff was not supporting the deletion of the parking screen walls in that area. The applicant was proposing the deletion of any screening techniques. The Code allows you to use two screening techniques to screen parking from streets. One would be three foot high screen walls and the second was berms. The staff was recommending that they utilize the screen walls and were not supporting any deviation to the code requirements. They didn't support the use of berms because they require more area. Since it was a very urban and compact project they felt that the screen walls would be much more effective.

Chairman Brigitte Peterson requested that the applicant come forward for their presentation.

Shelly McTee with Biskind, Hunt & McTee, 11201 N. Tatum Blvd. Suite 330, Phoenix came forward. She stated that they represented Burkas Design Studio, relative to the Gilbert Town Center. She noted that present that evening were Barry Burkas, the architect and developer of the project; Steve Burkas, who will be in charge of the construction; John Rosenfelt, their in house council; Ash Sendecard and Jim Cambel with Petell and Associates. She stated that they had submitted an application for a Conditional Use Permit for the integrated residential and the building height for the loft portion of the project. In addition later that week they would be submitting the application for an Administrative Use Permit for the two parking issues, for the reduction parking as well as off street parking. She explained that they were waiting until they had their parking study completed because this provided the background information. To clarify on the parking, she indicated that they have requested the parking deviation only for the commercial portion. With this 20% reduction for commercial they end up providing 291 spaces greater than they had requested the reduction for. In regards to the offsite parking along Palm Drive, there were 64 spaces provided. They have 143 visitor guest parking spaces. Regarding the screen wall, she stated that they feel that because of the urban nature of the project they would like the parking come up to the street. She described the urban nature of the project and that screen walls would be important and that they would prefer not to have them so that they could emphasize the urban nature of the project. Regarding the issue on Gilbert and Warner, they met with Town Traffic Engineer Bruce Ward and he did state that he was in support of the small reduction from the 35' to the 50'. In regards to the retention basins, there has been discussion about that. If they were going to be required to conform to the two and a half feet they would like it to be revised to state, "or as approved by the Town Engineer". She stated that their latest indication was that the Town Engineer had approved the depth up to 3'. Regarding the conditions, in the dedication of Palm Street it was suggested that they dedicate 50' because of the perpendicular parking. In meeting with Mr. Ward it was discussed that this might move to a 60 degree or 90 degree parking along Palm Street. She wanted the condition revised to state either 35' from center line or if they need to leave it at 50' place a condition that stated "or as approved by the Town Engineer". She felt that this would be acceptable to the Town Engineer. They agreed to the other conditions that were added. She referred to Exhibit M and stated that

they could place dimensions on it to clarify that it couldn't go all the way down to zero. It was in some areas a minimum of 10'. She discussed the outreach program. She explained that the staff hosted a neighborhood meeting in June. They had another meeting with surrounding property owners and business owners. She noted that the response was very supportive. She added that a neighbor in Settlers Point e-mailed them a letter of support as well. She thanked the staff for their hard work on the project.

Barry Burcas, AIA Architect, 323 Mesquite, Scottsdale came forward. He complimented the staff, Commission and the administration for being very cooperative during the process. Throughout Arizona they had seen a tremendous amount of strip shopping centers on the corners and turning them into seas of parking. He felt that they established "a place" when they built the civic center. Of all the area in Gilbert, they felt that this was an area that should become a central park for living along with an urban village that would address the needs of the people that live on site and in the community. He explained that they had tried to create a village that had old streets in front of the commercial. The reason that the street is not set back 50' from Warner or Gilbert was that they wanted the street to be a surface street, not parking lot, divided by a minimum of 5' which goes up to 20, plus the corner (which was approximately 240' deep by 100' in width). At that corner would be a plaza that the public and residents of the area could enjoy. In the new urban areas they were trying to take the buildings to the street and place the parking behind the buildings. Therefore there is a street friendly pedestrian way to the shops. He explained that they did this in the project. Since Gilbert and Warner were fast moving streets, they couldn't move the buildings directly up to the streets. Therefore they created surface streets off of Warner and Gilbert and provided enough loading and stacking area so that there would not be any danger. He compared the streets to the ones at Carolyn Commons in front of the shopping areas. Those streets were abutted by a sidewalk that was 15' deep in front of the commercial. They will be addressed with shade structures and misters so that the people walking in front of the shops will have a pleasant environment. He added that the parking area was 70' wide instead of 62'. In addition they had a greenbelt strip between the sidewalks and the streets with trees.

Mr. Burcas discussed the living areas. He stated that they were placed on a 400'x180' park. He explained that he instructed the landscape architects to make it look like Central Park in New York. He wanted it to be draught resistant in many areas, water to be reclaimed, shaded areas for picnics, and a meadow and rocks that allow you to sit and view the landscape areas. He explained that when they first came to staff they had parking along the major road that separated them from the residential. Staff didn't want a lot of parking in that area, they wanted green belts. That way the neighbors in the multi-family and single family homes would look onto green belts. Some of the separations were over 200'. He pointed these areas out on the visual aid. He discussed how they placed the buildings so that people had views into the parks. He described the home and office spaces that were located close to each other. He provided elevations of these living spaces. He described the project and how it connected to the Town's amphitheater. He used the visual aid to point out the pedestrian patterns. He provided the Landscape Plan and described how they were attempting to mimic Central Park. He pointed out the other features of the landscaping. He described the retention area and stated that they were not sure if it would be 3' or 4' because they were told that the flow that was coming into the site by Flood Control were greater than have been originally forecasted for the site. If during the process they find that there is less water then they will be able to raise those areas and have the 2' or whatever the need may be. He explained that they wanted to design to protect the Town and its residents. He indicated that the project would either be called "Central Park at Gilbert Center" or "The Town Center of Gilbert". He stated that they would work this out with the Design Review Board and the staff as they go forward.

Mr. Burcas noted that they would like to recognize the historic buildings in the area and the civic center. Therefore they would be using some of these features and incorporating them into the project buildings. He reviewed some of the projects that they had done in the area: The Pavilions, the entry project to Gainey Ranch; Charicowa at Desert Mountain, which blended into the mountain sites; at the Boulders they did the fifth green around the Boulders and rerouted the golf course; and they did the resort housing outside the Boulders. As a firm they had done a lot of loft living for people that didn't want traditional single family homes. He used a visual aid to illustrate these lofts. He provided a visual aid of Playa Vista which was a four story building similar to the one proposed.

Mr. Burcas discussed the transportation studies using a visual aid. He pointed out that the town center had 3,000 trips less than when the Wal-Mart proposal was made. He concluded that they wanted to provide a city center by moving the street up to a minimum of 5'. He stated that if they build a wall that was three feet high in front of the plaza then it would become a shopping center. He didn't think they wanted this. In contrast they want it to be a main street that compliments the older town area and made this a new town area that becomes a center for the civic area.

Commissioner Anthony Bianchi asked what the purpose and benefits were of the parking screen walls.

Mr. Burcas replied that in a major shopping center where there was 200'-300' of parking in front of the building that the wall would shield the car and remove it from the pedestrian ways. In looking at Neo-Traditional planning and new urbanism, they are trying to bring the vehicle up to the sidewalk where people walk. Since they were providing planting strips and large sidewalks between the building and the parking it would feel like an old town center, in which you wouldn't see parking walls.

Commissioner Dan Dodge requested that the applicant describe what would happen next to the street on Warner Road.

Mr. Burcas explained that on Warner Road there would be a meandering sidewalk then a green space between the sidewalk and the road. There would be green space again between this and the parking. In looking at the Landscape Plan it illustrated that they were trying to create a trail that was pedestrian friendly.

Acting Planning Director Linda Edwards noted that any condition regarding screen walls was not part of the PAD. The Land Development Code has become very specific in what is permitted as deviations to the code with a PAD. The ULDC allowed whatever deviations they wanted to add. In contrast, the LDC stated that the purpose for the PAD is to deviate from the base district regulations, such as setbacks. All the other things that were listed in the matrix in the staff report would be handled in a different way, based on what was described, such as by a Conditional Use Permit

Commissioner Dan Dodge pointed out that the staff report did not indicate that this would require a variance. He assumed that it wasn't in the staff report because the staff indicated in their presentation that they didn't support the deviation. He questioned if council concurred with this position.

Town Attorney Phyllis Smiley agreed that Ms. Edwards was correct.

Vice Chairman Michael Monroe explained that the confusion was that in the modifications in the chart there were parentheses that indicated how the item would be handled. In this section it did not list anything.

Chairman Brigitte Peterson asked if anyone from the public wanted to speak on the item. Seeing no one, she asked if the staff or applicant had anything to add.

Mr. Milillo came back to the podium. He apologized for not placing the parentheses in the screening walls section of the matrix. He explained that with the ULDC there was a wide range of things that could be placed as conditions, but the LDC was very specific as to what could be added to the PAD stipulations.

Commissioner Karl Kohlhoff was confused as to what they could do about the parking screen wall. He didn't want to leave it there after what he had heard.

Commissioner Dan Dodge stated that this was not their purview, nor was the purview of the Design Review Board.

Ms. Edwards stated that their landscape regulations had become more flexible in not requiring a full screen wall for the entire length where a screen wall is permitted. The code now allowed a combination of berms and landscaping. In the ULDC it only permitted up to 25%. She felt that they could be very creative with the applicant and architect in screening what was needed without the block screen wall. She added that they had not gotten that far yet.

Commissioner Karl Kohlhoff requested a further explanation of neo-traditional. He wondered how it was handled in the Gateway area.

Mr. Milillo replied that in the Gateway area they had Traditional Design Guidelines. Commercial centers were still required to provide screen walls. The vast majority of the Traditional Design Guidelines in the Gateway area had been applied to residential product. He added that the types of design that they see included sidewalks that were set back by planter strips from the back of curb on the streets, minimal building setbacks, higher densities and garages that were placed on the rear or sides of buildings. He said the Traditional Design Guidelines were difficult to apply to traditional commercial centers because they have very large parking lots. However, they had not made any deviations to parking or screening standards in the Gateway area based on those guidelines.

Vice Chairman Michael Monroe clarified that if the applicant didn't want screen walls he would have to apply for a variance.

Mr. Milillo replied that they would need to apply for a variance.

A motion was made by Commissioner Dan Dodge, seconded by Vice Chairman Michael Monroe, that based on the following findings, they move to recommend to the Town Council approval of GP05-7, a minor General Plan amendment for proposed development that meets the intent of the land use designation requested and can successfully be coordinated with exiting development in the surrounding area; and recommend to the Town Council approval of Z05-14, rezoning of Gilbert Town Center, subject to Staff stipulations amended on 10/5/05 with the following modification: item b, c adding to the last sentence "or as otherwise approved by the Town Engineer".

Motion Carried 6-0.

A: Recommend to the Town Council, approval of the Minor General Plan amendment (GP05-7);
and,

For the following reasons: the development proposed conforms to the General Plan and can be coordinated with existing and planned development of the surrounding areas, the Planning Commission moves to:

B: Recommend to the Town Council to approve a zoning amendment (Z05-14) to Settler's Point PAD, subject to the following conditions:

- a. All of the conditions and requirements of Ordinance No. 427 as amended by ordinances No. 617, 725, and 1287 shall remain in full force and effect, unless otherwise amended by the conditions below.
- b. The project shall be developed in conformance with the Town's zoning requirements for the RC zoning district as modified by the PAD and Conceptual Development Plan, attached hereto as Exhibit L and all development shall comply with the Town of Gilbert Land Development Code. The project shall also be developed in conformance with the Conceptual Development Plan attached hereto as Exhibit L.
- c. Dedication to the Town for Palm Street right-of-way that is adjacent to the Property shall be completed at the time of final plat recordation or sooner as required by the Town Engineer. Dedication of Palm Street shall extend 50 feet from the centerline **or as otherwise approved by the Town Engineer.**

**TOWN OF GILBERT
PLANNING COMMISSION STUDY SESSION
GILBERT MUNICIPAL CENTER, 50 E. CIVIC CENTER DRIVE GILBERT ARIZONA
JUNE 5, 2013**

COMMISSION PRESENT:

**Vice Chairman Brigitte Peterson
Commissioner Anthony Bianchi
Commissioner Joshua Oehler
Commissioner Chad Fuller
Alternate Commissioner Khyl Powell**

COMMISSION ABSENT:

**Chairman Jennifer Wittmann
Commissioner Kristofer Sippel
Commissioner Bob Steiger**

STAFF PRESENT:

**Planning Services Manager Linda Edwards
Senior Planner Al Ward
Senior Planner Mike Milillo
Planner Nathan Williams
Planner Amy Temes**

ALSO PRESENT:

**Town Attorney Phyllis Smiley
Recorder Margo Fry**

CALL TO ORDER:

Vice Chairman Brigitte Peterson called the meeting to order at 5:10 p.m.

UP13-07 - Conditional Use Permit for East Valley Patient Wellness Center, approximately 0.8 acres of real property at 988 S 182nd Place, located south and west of the southwest corner of Power and Warner Roads, to permit a Medical Marijuana Dispensary in the Light Industrial (LI) zoning district with a Planned Area Development (PAD) overlay zoning district, subject to conditions related to public health, safety, and welfare.

Senior Planner Al Ward stated that this was a request for the East Valley Patient Wellness Center which is a medical marijuana dispensary located near the southwest corner of Power and Warner Roads in a Light Industrial (LI) district. Mr. Ward displayed the site plan and referred to the following distance setbacks from page 3 of the staff report:

Use or use classification	Required Separation Distance	Provided Separation Distance
Another Medical Marijuana Dispensary or Offsite cultivation site	1,320	8 miles to NW
Hospital	1,320 ft.	1 mile plus to S
Day care center, public or private	1,000 ft.	2,100 ft. to S
Public or private park	1,000 ft.	3,100 ft. to W
Place of worship	1,000 ft.	4,000 ft. to W
Schools, public or private	1,000 ft.	6,490 ft. to SW
Residential district boundary	500 ft.	1,350 ft. to W

Mr. Ward noted that all of the separation distances had been met. There is one other dispensary which is located on the northwest side of town, a full 8 miles from the subject site. The site is approximately 8/10 of an acre and the proposal is

would eventually approve them. They decided where they wanted the sites to be located and three applications actually came in which were approved by the Planning Commission with a Use Permit because they met the findings. Two of the sites were appealed to the Town Council and overturned and the other was sent to the state and approved as a location. That one is just in the early stages of getting ready to open at McQueen and Elliot Roads in an industrial park. Vice Chairman Peterson said that it is her understanding from what she has been told by the police department there is not a lot of information yet because they are so new in opening as it took so long for the state to decide where they could be located and who was going to get the positions through a number draw. There has not been enough time to establish any criteria even to look at currently.

Commissioner Powell said that information satisfied his question.

Commissioner Oehler asked how deliveries would be handled.

Planner Ward said that a nondescript type of vehicle would be making deliveries through the front door.

Planning Manager Edwards pointed out that the security plan was located on the last two pages of the staff report. She noted that the criteria were research conforming almost word for word to the statutes and all of the planning is not only reviewed by Planning but also by police and others. It is a much regulated program.

Commissioner Bianchi asked if the CHAW boundary stops at Power Road at the Gilbert boundaries or does it go into Mesa as well. Could they see applications on the Mesa side of Power Road as well?

Senior Planner Mike Milillo said that it had been some time since he reviewed the CHAW map but he did not believe that the East CHAW map corresponds exactly to Gilbert's jurisdictional boundary. It may actually overlap into Mesa or even Queen Creek. This particular dispensary is working with the state and the understanding was that there was only one dispensary permitted per CHAW so if this one actually receives a license this will be the one for the East CHAW in Gilbert.

Commissioner Bianchi said that the site was in Light Industrial but it did not look like a typical LI Park.

Planner Ward said that a portion of the property was designated LI and a portion for Regional Commercial (RC). There are a lot of heavy trucking types of uses there. This parcel is in the Town but the area to the West is still in the County.

Z13-08 - Gilbert Town Center - Amend Ordinance Nos. 427, 617, 725, 1287 and 1689 to remove approximately 25.3 acres of property generally located at the southeast corner of Gilbert Road and Warner Road from the Gilbert Town Center Planned Area Development (PAD) and to rezone said real property from Town of Gilbert Regional Commercial (RC) zoning district with a Planned Area Development Overlay zoning district to Regional Commercial (RC) zoning district with a Planned Area Development Overlay zoning district; and

UP13-04 - Gilbert Town Center Apartments - Conditional use permit for approximately 13 acres of real property located south and east of the southeast corner of Gilbert Road and Warner Road to allow a multi-family residential use in the Regional Commercial (RC) zoning district.

Planner Nathan Williams displayed an aerial map of the PAD for the site. He noted that Banner Health Care pulled their 13 acres out of the 37 acre overall piece and rezoned it to a new development plan. Essentially, this applicant is doing the same thing in that they will be removing 25 acres from the Gilbert Town Center PAD that currently exists and will rezone it with a new PAD. The driving force behind the request is the southern 13 acres that the applicant would like to see as multifamily use in the rezoned commercial district. Mr. Williams displayed the proposed development plan to demonstrate that the multifamily would be on the southeastern piece with some office and retail on the Southeast corner with the Banner Health Care piece in the center. What is required to allow multifamily in the RC zoning district is that it must be part of a integrated mixed-use plan with a Conditional Use Permit required. What they must

do is make sure that it is an integrated mixed-use development and the way to do that is to have some exhibits to demonstrate that that can be approved through zoning and through a Use Permit. Staff does not feel that currently there is enough information to demonstrate that this is part of an integrated mixed-use development and the applicant is working on that. Planner Williams said that in 2005 the 37 acres was approved as Gilbert Town Center and was a true mixed-use development with nearly 180,000 sq. ft. of commercial, 1200 residential units which included lofts and 4 to 5 story condominium buildings with parking structures and a lot of urban feel pedestrian connections. When Banner Health Care went in that changed the dynamics of the piece.

Chairman Fuller said that initially the PAD called for a live/work type feel of project with retail on the bottom and lofts up above.

Planner Williams said that was correct.

Commissioner Bianchi said that when the Banner Health Care facility came forward they began to discuss the possibility for synergistic uses next to it. Are there now restrictions on that where they will now not get adjacent uses that they were initially thinking about and that would limit the possibilities of the adjacent parcels?

Planner Williams said that when Banner went in it did limit the synergistic abilities of the parcel somewhat. The issue is that it is RC and in order to allow multifamily it has to be an integrated mixed-use. It is a catch 22 in that sense. It's up to the applicant to try to come up with something to be able to integrate.

Commissioner Bianchi asked if they were aware of any restrictions that could occur as a result of Banner going in there.

Mr. Williams said that Banner does require some restrictions of other users that come in on the site in terms of other medical related uses.

Commissioner Powell asked how many apartment units are currently under application.

Planner Williams said that he did not know the exact number but that he would research that and get back to the Commission with that number.

Commissioner Powell said that information would be helpful if they knew the total number of units throughout the Town that were being considered. In addition, he wished to know if the Town has done any type of a study where it would support the interest in building so many multi-housing units.

Planner Williams said that he would research that as well.

Commissioner Powell asked if staff knew what was driving the interest in building multi-housing.

Planner Williams said that it was very popular currently as it is very affordable and is easily financed which is always a big plus in the development industry

Commissioner Fuller said that he remembered thinking when the project was initially presented in 2005 that it was very ambitious for the Gilbert Warner location and not really feasible. He said that when the case comes back at the next regular session he would like to hear from applicant why multifamily makes sense at this location. He said that he did not think that it was the greatest spot for commercial as it would be difficult to drive traffic there so he would like to hear from staff what they would want to go there if they did not want to go the multifamily direction as he was not sure what the next feasible alternative would be at that spot.

Commissioner Oehler said that he would like to see a little more play on the integration.

Vice Chairman Peterson said that she would like to see the minutes from the Banner meeting and what was discussed about that property. She said that she remembered that Banner wanted it to be secure and not allow them to have integrated uses and be able to cross over the property. She said that she would like to see the list of what wasn't allowed at that site. She said that she thought that it was a perfect location for a pharmacy with Banner health right next door.

Commissioner Bianchi said that when they moved forward they advertise this for two parcels but they are really only seeing a plan for one of them. He said that he needed to see what an integrated plan would be for both of the parcels and how they connect to one another as this originally was supposed to be one mixed-use project. He said that this was almost a clustering of multifamily and typically not where you would find one so he would like to have a discussion about how this ties into any of the adjacent uses as well as what transit options exist to connect to employment areas.

Vice Chairman Peterson noted that the multifamily for across the street at Gilbert town square is on the Town Council agenda for June 6th.

GP13-04 - Minor General Plan amendment to change the land use classification of approximately 157.3 acres of real property generally located at the northwest corner of Warner and Higley Roads from Public Facility Institutional (PF/I) and Residential >3.5 - 5 DU/Ac land use classifications to Residential >2-3.5 DU/Ac and Residential >3.5 - 5 DU/ Ac land use classifications; and

Z13-07 - Amend the Morrison Ranch Planned Area Development (PAD) by amending Ordinances Nos. 1129, 1232, 1514, 1602, 1705, 1961, 2219 and 2295 by rezoning approximately 157.3 acres of real property generally located at the northwest corner of Higley and Warner Roads, in zoning case Z13-07, from approximately 33 acres of Single Family-10 (SF-10), 22.1 acres of Single Family-8 (SF-8), 35.9 acres of Single Family-7 (SF-7), 48.5 acres of Single Family-6 (SF-6) and 10 acres of Public Facility Institutional (PF-I) zoning districts, all with a Planned Area Development overlay zoning district to 33 acres of Single Family -10 (SF-10), 26.8 acres of Single Family-8 (SF-8), 33.2 acres of Single Family-7 (SF-7) and 56.5 acres of Single Family-6 (SF-6) zoning districts, all with a Planned Area Development overlay zoning district; and by amending conditions of development as follows: reducing the width of lots for the SF-7 zoning district, increasing the depth of the lots for the SF-6, SF-7, SF-8 and SF-10 zoning districts, and increasing the maximum lot coverage for all the residential zoning districts proposed

Senior Planner Maria Cadavid stated that this was a 150 acre site which is part of the Morrison Ranch Master Plan that was originally entitled in 1998. She displayed an exhibit that showed the boundaries of the Morrison Ranch character area. The subject site is at the Northwest corner of Higley and Warner Roads. She noted that the corner that is Neighborhood Commercial will remain. The current land use classification is 3.5 – 5, the PSI was reserved for the Gilbert school district and the Neighborhood Commercial is on the corner. The applicant wishes to develop 2 parcels with two residential designations one being 93 acres of 2 – 3.5 classification and parcel B, 3 – 3.5 – 5. Planner Cadavid said that they have a letter from the school district to the applicant/owner stating that they are not interested in building another school facility at that location so the PSI has been absorbed by the residential acreage. Planner Cadavid referred to the following information from pages 3 and 4 of the staff report:

Rezoning (Z13-07): The proposed amendment to approximately 157.3 acres of the Morrison Ranch PAD to be known as the Warner Groves subdivision consists of:

1. Reconfiguring the boundaries and acreage of parcels B (SF-8) by increasing the size by 4.7 acres
2. Squaring and reducing the size of parcel C (SF-7) by 2.7 acres; and,
3. Reconfiguring the boundaries of parcel D (SF-6) incorporating the acreage from the school site for a total of 56.5 acres.
4. The zoning request also proposes:
 - o To increase the depth of all lot in the zoning districts requested.

Z13-08
Attachment 11: Planning Commission Meeting Minutes
for Z13-08 from September 3, 2014 (12 pages)
October 1, 2014

TOWN OF GILBERT
PLANNING COMMISSION, REGULAR MEETING
GILBERT MUNICIPAL CENTER, 50 E. CIVIC CENTER DRIVE, GILBERT ARIZONA
September 3, 2014

COMMISSION PRESENT:

Chairman Jennifer Wittmann
Vice Chairman Joshua Oehler
Commissioner David Blaser
Commissioner Carl Bloomfield
Commissioner Kristofer Sippel
Commissioner David Cavenee
Commissioner Brent Mutti

COMMISSION ABSENT:

None

STAFF PRESENT:

Planning Services Manager Linda Edwards
Principal Planner Catherine Lorbeer
Senior Planner Amy Temes
Senior Planner Jordan Feld
Planner Nathan Williams

ALSO PRESENT:

Town Attorney Jack Vincent
Town Council Member Jenn Daniels
Recorder Margo Fry

PLANNER	CASE	PAGE	VOTE
NICHOLE MCCARTY	S14-09	3	CONTINUED
JORDAN FLD	S14-07	3	CONTINUED
NATHAN WILLIAMS	Z14-16	3	APPROVED
NATHAN WILLIAMS	Z13-08	6	CONTINUED
JORDAN FELD	GP14-08	16	APPROVED
JORDAN FELD	Z14-18	16	APPROVED
JORDAN FELD	Z14-14A	21	APPROVED

CALL TO ORDER:

Chairman Jennifer Wittmann called the meeting to order at 6:35 p.m.

ROLL CALL

Planning Commission
Regular Meeting 9-3-14

	Proposed Development for White Fence Estates (Z14-16)
Front Setback Staggering	No front yard staggering requirement (Lots 1-27)
Lot Coverage	55% single story 50% two/ three-story 55% Plan 211 (2-story)
Building Height	Standard Plans with the livable space facing residential only on the second floor are permitted on Lots 1-6

Z13-08: GILBERT TOWN CENTER: REQUEST TO AMEND ORDINANCE NOS. 427, 617, 725, 1287 AND 1689 BY REMOVING FROM THE SETTLER'S POINT PLANNED AREA DEVELOPMENT (PAD) AND THE GILBERT TOWN CENTER PAD APPROXIMATELY 25.3 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF GILBERT ROAD AND WARNER ROAD ; TO APPROVE THE DEVELOPMENT PLAN FOR THE GILBERT TOWN CENTER PAD; AND TO REZONE FROM REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PAD OVERLAY TO REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PAD OVERLAY .

Planner Nathan Williams stated that Z13-08 was 180,000 ft.² of Commercial Office with six four to five-story residential condominium buildings located on the southeast portion of the site. The applicant has requested to amend the development plan as the Banner Health Center did on the parcel in the middle and create a new development plan. There is a Use Permit associated with the project but the Use Permit is applicable to multifamily and RC. The zoning, although it does not look at the findings of fact, must look at the integration aspect of it with the request. Planner Williams displayed the development plan that will be associated with the rezoning. He pointed out 13.7 of multifamily development with 11 apartment buildings which would solidify where the access points are and where the buildings are. It would also solidify the retail/commercial on the northwest parcel, parcel 1. The parcel to the southeast is parcel 2. It is not quite the same dynamic as the Use Permit but they still want to look at the development plan in terms of does it create an integrated mixed-use development plan because it has multifamily associated with it even though it is in Regional Commercial (RC). If the development plan were to be approved it still must go through the Use Permit process. Planner Williams said that they have to look at it from that perspective because would a Use Permit be supported on the site if the zoning were approved. He referred to page 6 of the staff report and noted that in staff's evaluation, the proposed exhibits under Z13-08 for the rezoning do not currently demonstrate an integrated mixed use plan for the property to include the following:

- Integration
- Sustainability through Compact Design
- Pedestrian Scale and Orientation
- Transportation and Connectivity
- Density
- Deviations
- Self-Imposed Use Limitations

Planner Williams pointed out that staff does not feel that there is integration between land uses or that the buildings are oriented in a manner which promotes pedestrian connectivity and activity but is more vehicular based. There is a lack of outdoor gathering areas and plazas and being walled, the apartment complex is also a separate use and is somewhat segregated from the rest of the site. Mr. Williams indicated the site map and noted that the jog was created because originally when Banner was developed they wanted to see the drive aisle go through so that there

Planning Commission
Regular Meeting 9-3-14

would be a cross access. The deviations are applicable to the zoning and what the applicant is requesting is that along Palm Street and along Civic Center Dr. the building setback would be 10 feet. That means that the applicant would have to adhere to RC development standards. They are essentially asking for multifamily in RC and multifamily setbacks would be 30 feet along Civic Center for example but they only have to have 25' in RC. What they are now requesting is 10 feet so the buildings will be 10 feet from the right-of-way with a 6 foot view wall encompassing the property. The step back requirement along Civic Center, anything within 100 feet of residential property, would make the step back of the 3rd story 10 feet in height. The applicant would like to eliminate that as part of the deviation. The landscape setback would typically be 20 feet and the applicant would like to make it 10 feet wherever buildings are and 20 feet everywhere else. Planner Williams commented that staff is not supportive of the deviations with the zoning request as it doesn't provide any benefit to the project for the site nor help make it integrated mixed-use development. It doesn't provide any tangible benefit to the site or to the town. Staff also feels that the use limitations in terms of time are created by the property owner. Planner Williams noted that Palm Lane would be improved with any rezoning so if anything were to be developed they would be dedicating 33 feet of Half Street and they would have to improve 42 feet based upon traffic and engineering standards because it is two-way traffic. If one of the parcels were to be developed the entire Palm Lane to Gilbert Road from Civic Center must be improved to engineering standards. Planner Williams referred to the following information from page 5 of the staff report: The Regional Commercial Land Use designation accommodates mixed commercial, entertainment, and high density residential development where residential uses are closely integrated with retail uses in a compact development containing urban amenities. Staff finds that the proposal does not conform to the General Plan goal to "promote Gilbert as a community in which to live, work and play. Moreover, the proposed development concept does not contain several notable features in order to respond to the General Plan's policies:

- Overall traffic circulation needs are not well balanced between vehicles and pedestrians with the goal of creating a pedestrian-oriented neighborhood and convenient employment/ retail centers.
- The plan does not interconnect neighborhoods, retail and employment areas with a system of pedestrian and bicycle routes, but rather creates three unique parcels with different uses vs. an integration of uses and parcels.
- Residential/non-residential land use transitions are not integrated together and existing residential uses are not protected from negative impacts of more intense uses with the requested deviations.
- The project does not make strategic use of open space and has minimal active and passive open space with a lack of gather areas that are typically associated with an integrated mixed-use development plan.

Planner Williams stated that Staff does not support the requested development plan as the site design does not achieve a more sustainable development in Gilbert's civic core.

Vice Chairman Oehler said that in terms of the setbacks from 30' to 10' would they be looking at the setback deviation in a different way if the Boulevard was made from the Banner's side and would staff recommend 30' setback from that Boulevard, in design.

Planner Williams said that they are not asking for any deviations along that parcel.

Vice Chairman Oehler said he was asking for staff's opinion that if it was a public street would staff recommend a 30 foot setback from that street with buildings.

Planner Williams said that if it was a public street with dedicated right away it would by default have to meet those setbacks.

Vice Chairman Oehler said that having a 30 foot setback from that street wouldn't create a boulevard affect. You would want to bring the buildings up to that street. He said that in looking at the design if he were trying to build the

buildings and have being a 30 foot setback would staff's opinion be to have a 30 foot setback to internal streets. He said he knew it was not part of what is being asked but he was looking at Civic Center to create a boulevard effect and trying to see the reasoning for the deviation of bringing the buildings up 10 feet onto Civic Center is to create more interaction between the building, pedestrian and landscape. He said he was trying to understand staff's opinion as to why they would want 30 feet as he thought it would create even more separation from the public on Civic Center then it would if you brought the buildings closer.

Planner Williams said that it's a 25' setback that is required in RC and the applicant is asking for 10' and in staff's opinion that does not add to pedestrian orientation and scale and activity. Staff doesn't feel that the Town receives any benefit from a 10' reduced setback.

Chairman Wittmann said that her understanding was that it isn't necessarily a use issue but the design of the proposed residential in the mix of the Regional Commercial. She said that they had approved a residential component on the parcel because it was integrated and met the intent of what they were expecting to see on the parcel or in that area. She said that she thought from the staff report that staff wasn't necessarily against the residential, just the way it was currently designed. It does not necessarily meet the intent of the mixed-use component of RC.

Planner Williams responded that was correct. The applicant is requesting multi-family in RC so there has to be integration and all the aspects that have been discussed. The original plan was something unique and different and there was a residential component so when they are asking to amend that and remain multi-family in RC the question needs to be "how do you provide integrated mixed-use?" Staff does not feel that the current proposal has done that.

Chairman Wittmann said that she assumes staff's recommendation is based on the criteria that was recently approved to document how mixed-use could be compatible with residential and RC.

Commissioner Blaser said that it was a tough balance between what the markets will bear and holding out. He asked if there was a different zoning that the developer could pursue and by right have the opportunity to develop multifamily. A question for the developer would be why they are choosing to leave it RC and not rezone it.

Planner Williams said that for what they are proposing the only zoning would be Multifamily Medium. They are just under 20 dwelling units per acre and that would be the only zoning category that would facilitate what they want to do.

Commissioner Mutti said that he wanted to understand the open space component. What would typically be required in multifamily and how that compares to what they are proposing currently which he believed was 43% open space and it looks as though under conventional RC the criteria is 15%. How does that compare to traditional multifamily zoning.

Planner Williams said that the applicant is well above the requirements for RC. He said he believed that multifamily is 45 or 50% open space. At 43% open space the applicant is fairly close to what multifamily would require.

Commissioner Mutti asked if there were safety issues or other issues that would be given up for those aesthetics by removing the perimeter wall.

Planner Williams said that the applicant would argue that for security they require the wall to provide some level of separation. There could be other options

Chairman Wittmann asked if Alliance was the proposed developer and are they also developing the parcel in Town Center.

Planner Williams responded that Alliance was the developer of this parcel but not the parcel across the street.

Vice Chairman Oehler said that they are now looking at both sides for this part of the zoning so what they have to look at is how the design of the multifamily is connected to the office space and that integration and what they are dealing with right now.

Planner Williams said that was correct.

Town Attorney Jack Vincent said that in response to the question earlier about the open space requirement in multifamily medium, the answer is 40%.

Chairman Wittmann invited the applicant to come forward.

Paul Gilbert, Paradise Valley, AZ, came forward representing Arizona Holdings which is owned by Lehman Brothers and also Alliance. Also present and available for questions was Michael Bronska, representing Lehman Brothers and Ian Swiergol, Jeff Kern and Rich Barber representing Alliance. Mr. Gilbert stated that he was before the Planning Commission simply to amend the Conceptual Plan. That is what they applied for and they also applied for a Conditional Use Permit and it was their intent originally to have them heard together. That has been bifurcated and that was not the applicant's choice. Since that has been bifurcated it makes it somewhat difficult to talk about the project without talking about the Conditional Use Permit and the need for integration. Mr. Gilbert noted that his remarks would be limited to the conceptual site plan. As Mr. Williams pointed out, there must be some discussion with regard to integration. Mr. Gilbert stated that one should not conclude from his comments that all the arguments that they have on integration and all the details that they are going to bring forward will be presented because that is not before the Commission currently, but they will present in connection with the Use Permit exactly the same as what they are going to present currently in conjunction with the conceptual site plan. Mr. Gilbert said that was an important distinction to make and an understanding that is crucial to going forward with understanding the project. There has been some talk and at least innuendo in the study session and in the comments that emanated in the questions to the staff currently as to if there were another alternative. Could they not come in and apply for multifamily zoning. Mr. Gilbert said the answer was yes but they chose not to do that because they thought it gave the Town much more control to have the case stay as Regional Commercial (RC) with the requirement that they come for a Use Permit. They talked with staff and told them they could go either way and asked if staff would recommend approval if they came in for multifamily and the answer from staff was no. It would not have made any difference if they came in with multifamily or in the posture that they are in now, staff would have recommended denial. Mr. Gilbert stated that their proposal is to reconfigure, modify and update the October 25, 2005 approved mixed-use conceptual development plan for Gilbert Town Center and they will limit their comments to that issue. They are proposing that they will preserve a portion for the multifamily that was an integral part of the original plan. Without multifamily they do not have a mixed-use plan. In order to have mixed-use they must have some multifamily. The idea behind the original plan focused on mixed-use multifamily is an integral part of the original plan. Mr. Gilbert said that they were coming forward with that same mixed-use component in multifamily but they submit it is a much more realistic plan and rather than 1200 units they are proposing 256. It is important to note that the request is not to change the underlying zoning; that stays the same. Mr. Gilbert said that they have a developer that is very well known for high quality multifamily projects throughout the Valley. He noted that the developer was offered the piece across the street and chose to do this project instead because they felt that this parcel was much better for multifamily. The Alliance proposal is for 2 and 3 stories juxtaposed against the 2005 plan which reached 5 and some instances 6 stories and had a height permit of 65 feet and was composed of 30 dwelling units per acre. The current proposal is at 19, 2 and 3 stories and drastic reduction in the amount of multifamily. Mr. Gilbert commented that the neighbors were aghast when shown the approved plan of the five-story buildings in the original approval for the 1200 units. Based on what is known about the market, those 1200 units are probably not condominiums. Two minor deviations are proposed. The applicant is only proposing these adjustments to the ordinance for the multifamily parcel only. They are asking for a 10 foot setback along Civic Center. That 10 foot setback was

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described by staff as providing no benefit to the town and Mr. Gilbert said he took vigorous umbrage to that characterization. By providing the 10 foot setback they provide more shade and more integration with the pedestrians using the facilities along Civic Center Dr. The push from most municipalities is to bring the project up closer to the Street so there will be more eyes on the street. Another benefit is that by pushing it forward they can increase the open space. They are not changing the RC ordinance in that only requires 15% and they are at 43%. There are a plethora of benefits with this proposal. This proposal only affects two adjacent homes which Mr. Gilbert pointed out on the site plan. He noted that there was retail across the street from the proposed project as well as apartments, open space and then homes. The provision is designed to facilitate a benefit to those adjacent homes. The building that is right across from the homes that are across the street and adjacent to the building in question is only 2 stories. They only have to get the setback variance because the building has a two-story and three-story component; however, the building right across the street from the residential is 2 stories. That leaves a building that is across the street from 2 homes that either sides or backs on to Civic Center Dr. Furthermore, those homes are approximately 150 feet away from the building. The deviations are minor and cause no serious problem in terms of protecting the adjacent neighbors. Mr. Gilbert stated that they had prepared a new visual that shows the landscaping along Civic Center and what they are proposing. He noted that what they are proposing is to put the fence further back so that there will be more landscaping and open space in the area and they are also willing to stipulate to putting some benches along the walkways to make it more pedestrian friendly and emphasizing the integration. Mr. Gilbert said that overlooked in all the discussions up until the current point is the very salient fact of what the zoning is on the property currently. It is zoned RC PAD with a zoning ordinance that stipulates the owner to develop the property consistent with the approved plan that has been talked about. That is in the ordinance. The elevations for the project were displayed and showed the height and massing and what is been approved. That is the site plan that the applicant is stipulated to currently and which is in the ordinance. Mr. Gilbert said that what is being proposed currently is a much more palatable development. If the neighbors across the street had any idea of what is approved now they would be present in mass and protesting. The plan, as originally presented, also involved the area that is part of the Town Center. Mr. Gilbert stated that he actually handled the case for Settlers Point eons ago and as part of that agreement on the zoning there was actually an arrangement made where Gilbert Town Center was basically donated in connection with a part of the rezoning application. That site plan not only showed the 3 parcels before them currently but also the Civic Center building and the open space which counted as it was part of the open space that was part of the land across the Street. They are not counting that in the 43% coverage of the open space but think it is a valid point that needs to be taken into account. It was integrated and part of the initial approval. Many of the elements that were integral to that 2005 conceptual development plan have been incorporated into the proposal that is before them currently. It uses multifamily which was required under the old plan. The enhancement of the municipal facility will be discussed. They have pedestrian connections and paths and there are vehicular connections. They are also completing Palm Street. All of those things were integral parts of the plan that is on file currently and that is the plan that they are stipulated to as part of the ordinance currently. Mr. Gilbert pointed out that there was a comment in the staff report that said that they could not afford to take RC and use it up and not get the benefit of the retail. The plan that is approved on the subject property shows 179,000 ft.² of retail, and the applicant is providing 174,000 ft.² of retail. They are also willing to deed restrict the immediate corner parcel that lies at Gilbert and Warner with the deed restriction running to the benefit of the Town and committing to that being developed as retail. Mr. Gilbert pointed out that Banner, in choosing this piece and choosing to remove itself from the overall conceptual site plan, was not a self-imposed situation. Banner came to them and they were desperate to sell the property and they were not the only ones who were going all out to attract Banner. The Town of Gilbert wanted Banner in the worst way and everybody worked together to give Banner what they needed. That is not said in a critical sense but as a pragmatic fact of life. Banner decided that they were not going to be part of the integration and chose the middle portion and removed it from the plan. Removing that left the applicant in a very challenging position. Banner changed the plan and basically brought a new conceptual plan in. That has had a very powerful impact on integrating the rest of the site. Fortunately, the Planning Commission took note of the fact that if they approved the Banner plan it would be very difficult to integrate the two sites. While it was acknowledged by the Planning Commission it was not apparently discussed at the Town Council. When Banner announced that they wanted a separate parcel and that is what it would take to get them to come to Gilbert, everyone agreed. It was not self-imposed; Banner required that as a condition of coming. That changed the basic paradigm. RC PAD requires

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integration. Mr. Gilbert stated that they are integrating by providing a health and wellness path. The health and wellness path replaces the roadway that would otherwise have been required between the two parcels. This is a classic example of how they can integrate with the Banner parcel. Employees of the town at both complexes can use the pathway to walk up and have direct access to the commercial. It integrates much more cogently than a roadway running down between the two parcels, it does nothing more than bifurcate the two parcels. The second integration is the completion of Palm Street which will connect the two parcels and also provide a connection for the Banner parcel. Right now there is no requirement for Banner to put Palm Street in. They are also providing architectural integration. They are integrating the architecture between Banner, Civic Center and the retail at the corner. They are also integrating by having a similar landscape palette. Signage will also be coordinated to be of the same materials. They are also providing a pathway along the southern part of Banner. There is currently no connection between the southern piece and Banner. Mr. Gilbert pointed out that Banner was in full support of their application. They are also connecting Banner with their retail and have agreed that Banner will have a common entry way and connection between the retail and Banner which does not exist currently. Mr. Gilbert said that the bottom line is that they have integrated the project in every way that they could. He asked that they remember that they were dealing with something that changed the paradigm once Banner was approved. That changed things and they are doing their best integrate as much as possible. Mr. Gilbert said that the staff report opened the door to economics so he had some comments in regard to that. He noted that they had a very detailed financial analysis done of the project and the benefits that would or would not accrue as a result of their coming in. They did the analysis of apartments versus retail and apartments versus office. The difference was, over a 10 year period, this project will generate a total of \$5 million in revenue to the Town. If it were developed as office it would generate approximately 1.2 million over a 10 year period. Mr. Gilbert stated that Alliance was on board and chose the site because they considered it a superior site. They are a premier multifamily developer and have shown their intent of moving forward. The comment was made at study session that perhaps the retail and the apartments would not be built together. They are not in a position currently to release the name but they are in the final draft and by the time of the Town Council meeting they will be able to release the name of a well-known retail developer who is going to purchase the retail center at the corner of Gilbert and Warner. One of the conditions that they want to move forward with the contract is to make sure that the apartment complex is approved because they will need the business that will be generated by the 250 units there. This developer and Alliance has worked successfully together before. Mr. Gilbert said that office can go on the subject property but an office building would be hidden from major streets as it does not have good exposure. Medical could work there perhaps because it is next to Banner but Banner requires a deed restriction. The office market is depressed and within a three mile area the vacancy rate for office buildings is over 25%. In terms of retail, the piece suffers from the same malady that office does. It is tucked away in the corner and is not a good site for retail. On the west side of Gilbert Road they have recently said that they cannot market and would like to go for apartments and the Planning Commission and the Town Council agreed and approved that. The rationale for approving that was because retail was not a good fit because it did not have the arterial exposure. They would suffer from the same with their piece if they were to go forward with retail as within a 3 mile radius 5 retail centers are now without anchors and the vacancy rate is 20% and the rents for retail since 2007 have declined 40%. The rate for retail in that area is an average of \$12.91. The only viable use left is multifamily. Density supports the retail and it is nice buffer to the single-family homes. The vacancy rate for apartments is 6%. Mr. Gilbert said that this makes good planning sense and multifamily is the appropriate use.

Commissioner Cavenee commented that Mr. Gilbert had mentioned the 10' setback to the right-of-way but did not mention why they did that. Could the site have been designed in a way to comply with the setbacks?

Mr. Gilbert said that it could. They could comply with the setbacks but it would reduce the open space and they like pushing the buildings further up to the road. That is basically what they are being required to do all over the Valley.

Ian Swiergol, Phoenix, AZ, came forward representing Alliance. Mr. Swiergol said that they designed the buildings closer for the 10' setback because they were going for more of an urban look and feel to the building. They wanted to bring the more contemporary look back to the street as opposed to having a traditional suburban development subject to the 25' and 30' rear setback.

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Commissioner Cavenee asked for clarification on what had been said previously in terms of a stipulation about ownership.

Mr. Gilbert said that they are offering the deed restriction. One of the arguments against it is that if they allow multifamily on one side you will build it and then come back and go to the site at the immediate corner of Gilbert and Warner and say that they can't build retail there so give us apartments. Mr. Gilbert said that they were agreeing to deed restrict that so it will be retail.

Commissioner Cavenee asked if there was any proposed timeline that they would include in that commitment to build. He said that it's natural that one of the thoughts is that this gets built and its 20 years before the other piece goes and there is never that connection.

Mr. Gilbert stated that they were not proposing a deed restriction on timing. He pointed out that they are soon to be in escrow with a developer that is well known to the Town of Gilbert.

Commissioner Mutti asked Mr. Gilbert to speak to the trade-offs of having the site fenced or removing the fence and the applicant's willingness to remove the fence if that increases the staff's agreement to the plan.

Rich Barber, Phoenix Arizona, came forward. Mr. Barber commented that he was the architect for the project and that the purpose based on the study session guidelines was to try and bring the buildings closer to the street and provide more immediate access, gated entries and a quick tie to the street much like you would expect in a more urban setting. Staff made it very clear that this is no longer the Santa Fe look with big setbacks and big parking lots between the project and the street and that they need to get it up on the street and reinforce the property edge and provide access points for residents all away along. The discussion about integration throughout the parcel has to do with integrating to the street and to their neighbors. They can't run back and forth behind Banner to get to the retail, they need to engage the street because it is their way to get to the retail. There is a lot of connectivity for the project right up on the street. The queue was taken from guidelines that were prepared by workshops in the town for reinforcing street integration.

Commissioner Mutti said that he was trying to isolate some of the obstacles that staff has itemized as the site not being integrated and it appears that the site being surrounded by a fence is one of those obstacles. Is the fence critical design and is there trade-offs by removing it or is the applicant willing to remove it if that helps ease some of the staff objections

Ian Swiergol said that the fence that they are proposing is not a traditional six-foot wall. It is a view fence in a view corridor along Civic Center Dr. they do have some design standards within their own right because of the demographics that they are attracting to their community. They are a more discerning renter and with that comes some of the security requirements mentioned earlier. They do have some requirements to not have direct access from an open access pedestrian walk to a private patio, window or door without some of those design elements or security elements in place. The fences along the parking areas are half fences in the sense that they are solid up to 3 feet and then view fence thereafter which was to shield any of the cars that they were bringing onto the street level.

Vice Chairman Oehler asked if they were planning to surround the project 100% with the fence.

Mr. Swiergol said that there are some buildings that provide perimeter fencing and they have also looked at locations where the fence would go in front of some of the parking and bringing it back interior to the community and providing more public open space.

Vice Chairman Oehler said that he appreciated bringing the public more into the site and bringing the buildings forward takes the right step in the right direction. He said that he wondered if there was ability in design of moving

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more of the buildings and flipping them around so there closer to the street and so getting more view fence. He asked staff is if it was to building code or LDC that if a car faces a fence it has to be solid up to 3 feet and if so they were going to have solid fence for a big chunk of it adjacent to parking areas.

Planner Williams said that would be taken care of by fences of similar design.

Vice Chairman Oehler asked if that were the case if it were facing the right-of-way.

Planner Williams said that it would have to face the right-of-way because that is where any parking screen is taken from is the public right away. They would not have to have parking screening along the rear. Mr. Williams said that if they proposed bumping it back into the landscape setback which isn't technically allowed there would have to be another deviation.

Vice Chairman Oehler asked where the 43% open space was and how much of it is tied into public use.

Mr. Barber said that in the development of multifamily as per ordinance there are provisions where the buildings can get no closer to one another then 20 or 30 feet given their sizes. There are provisions for walkways for each of the ground floor entrances that are going to be provided. Each building separates not only from the parking but also from each other as well is the pedestrian courtyards. The largest single area that they are dependent on in the centerpiece of the community is the pool, fitness, leasing complex. Generally 15 to 20% of their open space area takes place in the strongly amenitized location. They are also dedicating 20 feet along the boundary that they share with Banner so that entire face is the landscape and trail as well is the exercise station which is another 20' off the entire lineal footage. There is a great deal of open space, it is just spread around and is putting landscape and open space at everyone's front door.

Vice Chairman Oehler asked if there was a possibility of making the six-foot trail wider.

Mr. Barber said this was a collaborative recommendation that they worked out with staff and decided they wanted to keep it soft so there was a DG path. They are certainly open to making it wider. He said that in terms of the wall there really is no reason that it has to be solid; it could be open to the path.

Commissioner Bloomfield asked why this site was chosen over an adjacent site.

Mr. Swiergol said that this site offers the unique opportunity to bring a residential component to a very successful mixed-use already. They believe strongly with the introduction of the multifamily there is a retail user that will be there. They strongly believe that it is a much better location for multifamily. This is been a significantly underserved area within the Town of Gilbert and the Southeast Valley. Over the years where most of the multifamily development had been predicated on transportation design elements around the 202 access and the 101, what they are finding now in the development cycle starting in 2010 which is really the onset of the recovery of multifamily market in the Valley is that the renter demographic and pool changed from where it was before where renters were forced into renting because they couldn't necessarily afford homes. What they are finding now with the transfer from homeownership at the peak up to 71% down to historical averages at 65% the 6% gap are truly renters by choice. They are not being forced to a location that gives them access to freeways. They want to choose where they want to rent and that is in a well amenitized location. This does have access to freeways and provides a more urban setting within a more traditional suburban feel or location.

Vice Chairman Oehler asked if they feel that they really need the fence.

Mr. Swiergol said that in the locations that are presented currently they believe the fence is necessary for some of the security elements that had been discussed.

Commissioner Blaser said that the applicant indicated that the town discouraged submitting a different zoning change. He said that he would like clarification from staff on that comment.

Planning manager Linda Edwards stated that the conversation did actually take place and the question to staff was what are the better chances of rezoning the parcel? Would there be support for amending the existing RC and go for the Use Permit to permit multifamily or would there be better support for rezoning to multifamily. Staff's advice to the applicant was that the applicant would have a better chance maintaining the Regional Commercial on this site because of its size, location and relationship to a large Civic Center and to pursue a use permit.

Chairman Wittmann closed the public hearing

Commissioner Cavenee said that the applicant had commented that this site is probably best suited for multifamily and he tended to agree when speaking about the Southeast parcel. He said that retail was not thought to be a good option by the applicant because certain properties in the area are depressed or struggling and vacancy is high and yet they also mentioned that a prominent retailer is ready to come in and drop 174,000 ft.² of retail. He said he was having a hard time reconciling how it is so depressed and yet they are willing to do that right away. Commissioner Cavenee said that he really struggles with deviations or adjustments especially when he does not see a good cause. Two benefits were mentioned, increased shade and improved connectivity. With the fence still in place he did not see any increase in connectivity by moving the buildings closer. Increasing shade diminishes landscape along the frontage so he believed they were decreasing shade once the landscape is mature. He did not see any benefit to move the buildings closer. He said that he has had significant involvement with mixed-use developments and has perhaps a preconceived as to what that means but he has reread all the stipulations within the zoning code to make sure he understood what was clearly required here. He did not see any effort to do any of the horizontal or vertical connectivity which to him generally means some kind of structural integration such as unique parking to densify the area and make it unique. He agreed that Banner had cut them off but it does not alleviate the burden of RC on the Southeast parcel of having a retail or some other non-residential mixed-use. He said he did not see the health and wellness path as being a critical connector and finishing Palm Street was a requirement anyway. Landscape, signage and architectural integration are not valued as the real integrating piece that is being looked for in the zoning code. People looking at this would just say there is an apartment complex and there is a small retail center on the corner. Commissioner Cavenee said that he did not believe that this site was as burdened as was painted and that it was a premier corner with some good neighbors and real potential. Under the RC it needs to have better integration and to him that meant densification, moving the parking all to the inside or to the outside or perhaps underneath or a variety of those things. Getting some other type of commercial component on the same lot and not just expected to be on the other side of Banner and that will do. He said that he agreed that multifamily is probably the best use for the Southeast portion of the parcel but suggests that it needs more integration.

Commissioner Mutti said that in looking at the staff report and as a part of the general plan policy it says "RC designations are 30 or more acres and are located at Freeway arterial intersections or at intersections of arterials." He said that when he looks at the two properties and they are not necessarily connected and neither together nor apart do they total 30 acres, so when they continue to talk about implementing the RC criteria on the parcels he has a hard time holding too hard of a line as to how much they hold to that criteria. It is subjective criteria and so given the context of what is there now he would lean more towards the lighter side of those criteria. He said he was trying to understand the for example kind of things that they could have done and that the site plan could do to win more staff support and heard that would be not surrounding the community with a wall and having more open space. The open space appears to exceed the RC and the multifamily code so he saw an effort there. He said he heard no reduce setbacks and having buildings along the border which feel like they are in direct conflict with each other. He said that he was not necessarily in favor of having reduced setbacks, particularly where the single-family is along the Southeast, but the reduced setbacks seemed like they would fulfill some of staff's desire to have buildings along the border. He needed clarification as to whether the 174,000 ft.² included the Banner site.

Vice Chairman Oehler said that he agreed that the best use of the site was multifamily and the real issue was integration. He said that on the site plan if they make recommendations how does it work if there are multiple changes and how does that work with non-recommendation or recommendation.

Planning manager Edwards said that if a motion is made and the Commission would like to condition changes to the development plan or specifics on the development plan how would they condition that. She asked Vice Chairman Oehler if that was the question.

Vice Chairman Oehler responded that was correct.

Planning Manager Edwards said that the conditions would need to be specific enough so that the change would need to be made prior to submittal of construction drawings. Ideally the changes would be exhibits prepared prior to Council review. It would not come back before the Planning Commission unless they continued the case with direction to applicant to make those changes for their review.

Vice Chairman Oehler said that he would like to know from the applicant if they continuance would be a hardship.

Chairman Wittmann asked Mr. Gilbert if he would be supportive of a continuance to address some of the issues.

Mr. Gilbert said that they had been at this for over a year and they would much prefer to try to work through the conditions at the current meeting. He said that many of the things that they were talking about were Design Review issues and that and he thought that they could place conditions on the project and keep it moving forward. That would be their preference.

Commissioner Sippel said that he knew the applicant would prefer to move it on however they have sent applicant's back to do additional work and in this case the connectivity is a major concern as it is been brought up multiple times. He said that he thought they had an applicant that could do additional work with the site plan and address those concerns proactively. Although they are in talks regarding the corner development he was sure that it was contingent on what happened here at this Commission. This Commission should not be making decisions based on the sale of property but what is better for the community at large. He said he would not be against looking at a continuance so that they get it right and then move forward.

Chairman Wittmann said that when this case was originally filed in 2013 the standards were different and the standards of developing multifamily in RC were different. Specific criteria has been added on integration and how mixed-use should play out in situations such as these. That has somewhat complicated this case. She said that she did not have any specific issues with the multifamily component but the issue that she did have was the design. It is specifically designed in this particular instance as a standalone, residential multifamily community. They have some elements such as view fencing and placement of buildings and residential trail which are not significant enough at this point in time to justify the amendment. She thought that if the applicant came back the deviations could potentially be supported if the design were right. She said that she also struggled with the fact that the Use Permit is not part of this application and review. It makes it very difficult to review a zoning case if they can't also look at the Use Permit. Chairman Wittmann said that her recommendation would be to continue it to next month and bring the Use Permit and zoning case together.

Mr. Gilbert said that they would be agreeable to a short continuance.

Commissioner Cavenee said that he was in agreement that they were not in a position to give recommendations pertaining to design and that it seemed to be wholly felt that it was really just an integration issue and not just the use.

Commissioner Blaser said that he believed multifamily was a great use for that location and thought that it was important that they view the issue through the lens that it is now its own parcel and they need to consider that. It's important that they don't make things too difficult because of what was approved several years ago. It's a completely different project, development and parcel. He said that he would support a continuance based on everything that was said.

A motion was made by Commissioner Kristopher Sippel and seconded by Commissioner David Cavenee to CONTINUE Z13-08 2 the October 1, 2014 regular meeting.

Motion carried 7 – 0

GP14-08 - Whitfill Nursery - Request for Minor General Plan Amendment to change the land use classification of approximately 2.2 acres of real property generally located north of the northwest corner of Guadalupe Road and Cooper Road from Residential >0-1du/ac land use classification to General Commercial land use classification.

Z14-18 - Whitfill Nursery - Request to rezone approximately 2.2 acres of real property generally located north of the northwest corner of Guadalupe Road and Cooper Road from Single Family-35 (SF-35) zoning district to General Commercial (GC) zoning district with a Planned Area Development Overlay zoning district to modify requirements related to minimum building setbacks, minimum landscape areas, commercial activity enclosure, vehicular access and screening.

Senior planner Jordan Feld displayed a site plan and indicated the location of the subject 2.2 acres. Planner Feld noted that the applicant had contacted staff regarding potential changes to their proposed deviations and after some discussion the applicant decided to stay with the proposed deviations. Planner Feld displayed a graphic which showed the standards in place in the General Commercial (GC) zoning district that the applicant is seeking and pointed out on the graphic the distances to the back of the residences adjacent to the subject parcel. The applicant has proposed several deviations, the majority of which have room for negotiation in terms of the nursery use specifically in the deviations that were requested. Staff has not had success in finding the sweet spot for the deviations in terms of locking them through the zoning. Consequently staff's recommendation is to approve the rezoning and general plan amendment as requested except for the two PAD deviations that staff is recommending and the balance of the deviations requested, staff is not recommending. Staff supports the access of the residential lot north of the subject site through the subject site that will create a safer traffic condition. Staff is supportive of the reduction of the internal setbacks from a commercial parcel to another commercial parcel. The applicant will speak to several issues which have to do with the compatibility of the nursery with the surrounding neighborhood. Planner Feld said that he would stipulate that the three neighbors enjoyed the nursery use and find that use compatible with their large lot residential uses. He noted that he spoke with 2 of the 3 adjoining neighbors and asked them how they felt about the property redeveloping for another commercial use, something more intense with less landscaping. He asked if they would still be supportive of an organic hedge with no landscape setback beyond that and the answer was no. If the property was to redevelop they would want a 40 foot landscape setback with a solid wall between their properties and that future development. The question becomes does rezoning to GC and deviating from the standards allow the opportunity for the site to put those standards in place if the property redevelops. The answer is no that it does not. That can only be achieved by a variance. Planner Feld said they had advised the applicant that deviation through rezoning will not allow for that solution to occur and the variance perhaps would. There is risk as there is no guarantee that a variance would be approved. Planner Feld said that it is not arguable that a nursery is compatible with the adjacent large lot residential and the neighborhood is generally okay with the nursery as it is today. The applicant can point to different nurseries throughout the region where there is less than a 40 foot landscape setback. At the end of the day none of that has any specific bearing on the question at hand which is the use today that is illegally nonconforming and to mitigate that condition the property must be rezoned to GC and to ensure that any future development is compatible with the surrounding neighborhood the GC standard must remain

Nathan Williams

From: Paul Flacco <paulflacco@gmail.com>
Sent: Thursday, September 18, 2014 3:12 PM
To: Nathan Williams
Subject: Proposed Apartments at Gilbert & Warner

Nathan,

It was a pleasure speaking with you today. In regards to the proposed apartments at the intersection of Gilbert & Warner south east corner. Please stop these from being built! I am a resident of Gilbert of 18 years and live in the Settlers Point neighborhood.

With existing apartments south of Lifetime Fitness and proposed/approved apartments in the Town Square complex how more apartments do we need in this area? How many more apartment complex do we need in Gilbert? Enough of the high density housing in Gilbert! We did not move to Gilbert because of the density we moved to Gilbert for the openess. High density housing is not providing Gilbert with a tax benefit. This parcel of land is not approved for housing and it should stay that way. Just because apartments are the 'popular' thing to build right now it doesn't mean that we need jump and approve what is not needed. That lot has been empty for the 20 years that I have lived in the valley and if it needs to go 20 more years empty I am fine with that. Empty land is better that more high density housing.

Thank you,
Paul Flacco
602.695.3863